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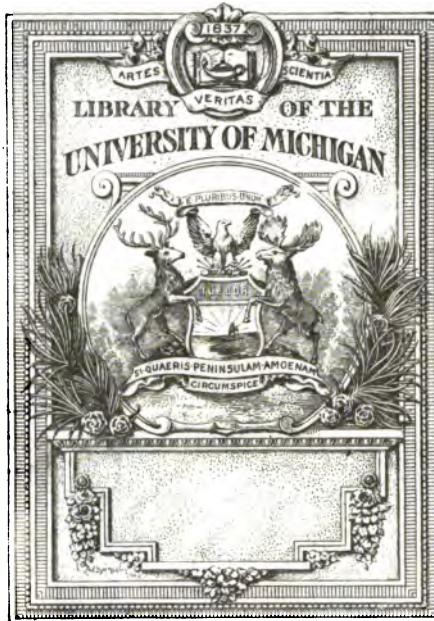
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ANNUAL REPORT
OF THE
COMMISSIONERS OF SHELL
FISHERIES
1912



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State of Rhode Island and Providence Plantations.

ANNUAL REPORT

OF THE

COMMISSIONERS OF SHELL FISHERIES,

For the Year ending December 31, 1911.

Compliments of

Shell Fish Commissioners.

JANUARY SESSION, 1912.

PROVIDENCE, R. I.
E. L. FREEMAN COMPANY, STATE PRINTERS.
1912.

State of Rhode Island and Providence Plantations.

ANNUAL REPORT

OF THE

COMMISSIONERS OF SHELL FISHERIES,

For the Year ending December 31, 1911,

AS MADE TO THE

GENERAL ASSEMBLY

AT ITS

JANUARY SESSION, 1912.

PROVIDENCE, R. I.

E. L. FREEMAN COMPANY, STATE PRINTERS.

1912.

COMMISSIONERS OF SHELL FISHERIES AND THEIR DEPUTIES.

COMMISSIONERS OF SHELL FISHERIES.

PHILIP H. WILBOUR.....	P. O. Address,	Little Compton, R. I.
JOHN H. NORTHP.....	"	Apponaug, R. I.
EDWARD ATCHISON.....	"	Slatersville, R. I.
SAMUEL F. BOWDEN.....	"	Barrington, R. I.
JOHN G. WILCOX.....	"	Westerly, R. I.

CLERK.

BRAYTON A. ROUND.....	P. O. Address,	Providence, R. I.
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ENGINEER.

O. P. SARLE.....	P. O. Address,	Providence, R. I.
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DEPUTY COMMISSIONERS OF SHELL FISHERIES.

CHARLES I. NORTHP.....	P. O. Address,	Apponaug, R. I.
OLIVER G. HICKS.....	"	Bristol Ferry, R. I.
LEMAN WARDSWORTH.....	"	Wickford, R. I.
WILLIAM WELDEN.....	"	Providence, R. I.
JESSE L. BOWDEN.....	"	Warren, R. I.



The Motor Boat "Pearl." Employed part of the time by the Commission.

REPORT

To the Honorable General Assembly of the State of Rhode Island and Providence Plantations:

The undersigned Commissioners of Shell Fisheries in accordance with the law, respectfully report the doings and condition of their department, including a detailed statement of all moneys received and expended for the year, ending December 31, 1911, also including the names of all lessees of oyster ground, the number of acres held by each lessee, with the amounts of rental thereof.

LAWS.

(CHAPTER 203) "Of Private and Several Oyster Fisheries."

At the January Session of the General Assembly, 1911, Chapter 203 of the General Laws of Rhode Island was amended by changing Sections 13 and 20 of this chapter. The amendment to Section 13 of this chapter changes the exemption lines somewhat, and increases the area that is exempted, from being leased by the commissioners, from approximately 11,000 acres to about 20,000 acres. This change is largely in Sakonnet River, thereby leaving that part of this river, which had not been previously leased, for the use of the public.

The amendment to Section 20 of this chapter applies to the use of stakes and buoys for the marking of leased oyster ground. It permits the Commissioners of Shell Fisheries to make, adopt and employ such rules and regulations governing the use of markers for oyster ground as may be necessary, and to remove such stakes and buoys as do not comply with such regulations, or that become broken and liable to cause injury to small craft.

(CHAPTER 202) "Of Free and Common Oyster Fisheries."

This chapter applies to the free and common oyster fisheries of the State, and is inadequate to protect the same.

In our report to your Honorable Body last year we expressed the opinion that this chapter should be amended, and we are more strongly convinced than ever with the necessity of changing the provisions of this chapter, and we recommend that this chapter be amended and changed in such manner as to protect the Public Fisheries of the State.

(CHAPTER 205) "Of the Protection of Quahaugs."

This chapter of the General Laws, had been of material benefit in the protection of quahaugs, (especially to the "Little Necks," so-called).

It has prevented the catching and shipping of these small quahaugs out of the State, and we believe that should this chapter be amended so as to restrict the size of the soft shell clam (so-called), which may be taken from the shores, the result would be of much benefit to the clam industry, and we therefore recommend that this chapter be so amended.

(CHAPTER 577) "Of the Protection of the Shell Fisheries in the Public Waters of the State."

This chapter is one of the most important that comes within our jurisdiction. It not only applies to the Private Fisheries, but it also applies to the Public Fisheries of the State. It not only gives the Commissioners of Shell Fisheries authority to regulate the taking of shell fish from the public and private beds, but it gives them authority to regulate the sanitary condition of the opening or shucking houses, where shell fish are prepared for food and also allows no shell fish to be taken from beds that are not in a proper sanitary condition for the growing and fattening of shell fish which are to be used for food.

It is quite proper, that the State should regulate and supervise the taking and preparing of an article of food as extensively consumed and

as widely distributed, as are the shell fish taken from the waters of this State. For by such supervision the health and welfare of the people are protected and safeguarded. We do not make any recommendations regarding this chapter.

(CHAPTER 209) "Of the Scallops Fisheries."

This chapter of the General Laws as amended by Chapter 393 of the Public Laws has proven to be adequate for the protection of this species of shell fish and is generally satisfactory to the public, and we would therefore recommend that this chapter remain without change.

All the shell fish laws are satisfactory except Chapter 202. This chapter is unsatisfactory, and should be amended in such manner as to give greater and better protection to the public fisheries. It is entirely inadequate to accomplish the object intended by its provisions.

Therefore, we would recommend that this chapter be so amended as to adequately conserve and protect all shell fish within the waters of the State.

STAKES AND BUOYS.

At the January Session of the General Assembly, 1911, Chapter 203, Section 20, was amended, giving the Commissioners of Shell Fisheries more authority governing the use of stakes and buoys for the marking of leased oyster beds. This amendment reads as follows:

"Sec. 20. Said commissioners shall, before granting any such lease, cause the land to be leased as aforesaid, to be surveyed and platted, and shall in all cases cause such land to be marked with proper bounds, stakes or buoys to define the limits thereof, with such marks thereon as they may direct. Such bounds, stakes or buoys, with the marks thereon, shall be renewed or removed whenever the commissioners shall direct.

"All buoys used in connection with bounding or subdividing shell fish ground or any purpose whatsoever in connection with the enjoyment of the rights and privileges granted by the leasing of shell fish grounds, shall be under the supervision and care of the said commissioners.

" Said commissioners may designate the kind and style of stake or buoy which shall be used for the purpose of marking shell fish grounds and make any suitable regulations in reference to the same: *Provided, however,* that driven stakes shall not be used as bounds or other marks on such shell fish grounds, except on the inside or shoreward boundaries of said ground, and in no case in more than six feet of water at mean low tide."

Said commissioners are hereby empowered to investigate all complaints brought to their notice and in their discretion to remove or cause to be removed any stake or buoy located on any leased shell fish ground and used for the purposes of bounding, subdividing or otherwise marking said ground, which in their judgment, is in an improper position or condition or does not conform to any regulation which they may make.

"Also, said commissioners may in their discretion remove or cause to be removed all such stakes or buoys which may be on shell fish ground where the lease of the same has terminated.

Also, said commissioners may remove or cause to be removed any stake or buoy used for the purpose of marking or bounding shell fish beds which may be improperly located on land not leased.

In case the commissioners remove or cause to be removed any stake or buoy from leased ground, the cost of removal shall be collected from the lessee. Such cost shall become a charge against the said lessee and subject to collection in the same manner as is the yearly rent under the lease for said ground.

Any person wilfully violating the requirements, orders or regulations respecting bounds, stakes or buoys as determined by said commissioners shall for the first offence be fined not more than twenty dollars and for each subsequent offence shall be fined not more than one hundred dollars.

SEC. 2. This act shall take effect immediately, and all acts and parts of acts inconsistent herewith are hereby repealed."

EXEMPTED GROUNDS.

The General Assembly at its January Session, 1911, amended Chapter 203, Section 13, by the following amendment:

"SEC. 13. The said commissioners shall not let any land north of a line extended across Providence River bearing S 40°-30' W, true meridian, from the copper bolt set in the rock near the end of Kettle Point, to Field's Point, or let any lands west of a line drawn from Warwick Neck Light bearing S55°-16'-02" W, true meridian, to Pojack Point at Potowmout Neck; or let any lands in Sakonnet

River south of the railroad bridge; or let any land in shore of the four-foot line, as delineated on the plats in said commissioners' office, or let any land lying between a line running due east and west through the middle point of the Rhode Island Yacht Club building, northerly of Pawtuxet Neck, and a line running due east and west through the centre of Pomham Beacon, and west of the channel, or let the channel between Long Neck and Marsh Island flats from the channel in Providence River to the bridge in Pawtuxet; or let any of the ponds in Little Compton, South Kingstown, New Shoreham, Tiverton, Portsmouth or Westerly, or the cove, so-called, in the town of Portsmouth, except Brightman's Pond or Babcock's Pond, so-called, in said Westerly; *provided, however*, that said commissioners shall not let more than three acres in said Brightman's or Babcock's Pond to any one person; and provided, further, that every person to whom any of the lands in said Brightman's or Babcock's Pond shall be let under the provisions of this chapter shall have had his home and residence in this State for the period of three years next preceding the letting thereof; and *provided, further*, that nothing in this section shall be so construed as to affect any of the lands which have been leased or the re-leasing thereof."

SEC. 2. This act shall take effect upon its passage, and all acts and parts of act inconsistent herewith are hereby repealed.

There are in Narragansett Bay, approximately, eighty-five thousand acres of available oyster ground, seventeen thousand two hundred and forty acres of which are exempt by statutory law. Thus it is seen, that about 20 per cent. of our ground is unavailable for oyster culture. Of this seventeen thousand two hundred and forty acres exempt by law, five thousand (5,000) might well be leased to the benefit of all the people of the State. The ground that is thus exempted for leasing, would produce a revenue to the State of about fifty thousand (\$50,000) dollars per annum.

Desiring to obtain all information possible concerning the advisability of changing the kind of stakes or buoys that had been used for bounding leased oyster beds the commissioners of shell fisheries held a public hearing upon the subject, "Stakes and Buoys." This hearing was extensively advertised throughout the State that all interested parties might have notice and be heard upon the subject.

The hearing was held in the office of the Commissioners of Shell Fisheries, June 16, 1911, at 2 o'clock P. M., Hon. P. H. Wilbour,

Chairman of the Commission, presiding: Commissioners Edward Atchison and Samuel F. Bowden, Clerk Brayton A. Round, Engineer O. P. Sarle and Prof. F. P. Gorham, Bacteriologist of the commission, were present.

The yachting interests were represented by Attorney R. G. Hicks, and the oyster planters by Attorney Edward F. Lovejoy and several oyster men. The subject was thoroughly discussed by Messrs. Frank L. Homan, O. P. Sarle, E. F. Lovejoy, E. M. Buckingham, E. H. Matteson, G. M. Long, H. C. Rowe and B. J. Rooks for the oystermen and R. G. E. Hicks for the yachtmen.

At the close of the hearing the Chairman announced that the matter would be taken under consideration.

At a meeting of the Commissioners of Shell Fisheries held in their office July 21, 1911, this matter was given further consideration, the results of which were the adoption of the following rules or regulations:

REGULATIONS IN REFERENCE TO MARKERS FOR OYSTER GROUNDS.

Adopted by the commissioners of shell fisheries, July 21, 1911.

BUOYS.

All buoys used for marking oyster grounds after May 1, 1912, shall be wooden spars attached to a mooring by a length of rope which shall allow the buoy to float clear of the bottom, an amount equal to at least one quarter of the ordinary depth of the water at low tide at the place where anchored.

Said spars shall be approximately round section and tapered from the butt to the top in reasonable proportions. They may be either the natural growth of the wood of suitable proportions or they may be manufactured.

Said spars shall be adjusted so as to take as nearly a vertical position as practical and so as to show not less than five feet at ordinary high tide.

Said spars shall be rounded on the top end, and all projections shall be removed down to the solid body of the spar so that any portions which may be exposed during any stage of the tide shall always present a smooth surface.

Said spars shall be from one and one-half to two and one-half inches through at the top for all buoys placed in water less than twelve feet deep at mean low tide. All other buoys shall be from two to three inches through at the top.

From this date until May 1, 1912, the above specified buoys or the bush top cedar buoy as established by the commissioners in 1910 may be used, but no buoy

shall be used which shows less than five feet under the bush at ordinary high tide.

All buoys shall be marked with the initials of the lessee painted on canvas tag in durable black letters not less than four inches high.

STAKES.

Such lines as are permitted by the provisions of the law may be marked with flexible stakes which show at least eight feet above ordinary high tide. Said stakes shall be so trimmed as to always present a smooth surface from low water line to the limbs which may be left on the top.

The only stakes permitted by law are those, "On the inside or shoreward boundaries," and in no case in more than six feet of water at mean low tide."

All corner stakes shall be marked with the initials of the lessee painted on canvas tags in durable black letters not less than four inches high.

Undoubtedly satisfactory results will be obtained from the proper observation of these rules by the oystermen, and further annoyance to yachtmen be eliminated.

PUBLIC GROUNDS.

In some states the public oyster beds are productive of considerable income by reason of the licensing of all fishermen who use them, while in this State no direct revenue is received from this source.

There has been an abundant set of oysters during the season of 1910 and 1911, and were the public oyster beds suitably prepared to catch the set the benefit to be derived by the fishermen would be considerably increased. In order to have these beds in suitable condition for catching the set, it would be necessary to have oyster shells or some other suitable substance deposited upon them, and to conserve this ground there might be a close season for from two to three years.

In order that the State might not be at a loss, from the expense of shelling and planting the public beds, there might be a small license fee charged to all persons who gathered oysters on shelled beds.

During the season of 1911, there was a very large set of all kinds of shell fish, and the outlook for a plentiful supply of this kind of food

is good, were it not for the many natural enemies which feed upon the spat and small shell fish.

There are millions and millions of these small fish that are devoured by other fish, and it is miraculous that so many do survive and mature. There is a continual warfare going on among the animals of the sea and it is obvious that with the natural enemies of shell fish, augmented by the depredation of man, the supply should decrease.

It is said that "History Repeats Itself," and all indications point to a repetition of this fact, by the depletion of the shell fisheries of this country. In Europe many years ago there was an abundance of shell fish, and the people believed that the supply was inexhaustible, but by the continual gathering of shell fish this seeming inexhaustible supply became depleted, and in order to supply the ever increasing demands, cultivation had to be practiced.

SCOLLOP GROUND.

For many years Greenwich Bay has been considered the best scallop ground in the State, and there have been many thousands of bushels of scallops taken from this bay.

During the season of 1911, the scallop fisheries were not limited to any one locality but were extended over many portions of our bay.

Scallops were taken from Apponaug Cove, Chepiwanoxet, Bush Neck Cove Warwick Cove, Backer Creek, at the mouth of Green's River, off Pojack Point and off Wickford. Many were also taken from Point Judith Pond, in the town of South Kingstown.

The scallop fishermen had to dredge many acres of ground for their catch, as these shell fish were scattered over a large area and were not plentiful.

INDUSTRY.

It is very difficult to obtain a correct statistical report of the fisheries industry, the reason being is, no doubt due to the fact, that many of the people engaged in this industry do not keep much, if

any, record or account of their business, and therefore such information as we are able to obtain is, at best, in a number of instances but an estimate, but from such information, and such statistics as we are able to obtain, we believe that we are justified in saying that the oyster industry of Rhode Island is, by a large percentage, the leading fisheries industry of the State.

In 1908, the oyster contributed 54 per cent. to the total value of all fisheries product of the State; during the three years to date, the oyster industry has increased 27 per cent., therefore when we predict that the oyster contributes more than 60 per cent. to the wealth of all the fishery products of the State, we believe that the estimate is conservative.

There is no doubt, that in proportion to the number of acres under cultivation, as compared with the number of bushels of oysters obtained from such acreage and the value thereof, Rhode Island leads any other State in the Union.

Rhode Island has long stood at the head for receipts from this industry to the State, and is rapidly forging to the front in the number of bushels of oysters obtained. It is a well known fact that cultivated oysters bring a greater price per bushel than those grown on natural beds, therefore the market value of oysters gathered from the oyster beds of Rhode Island is by far more valuable than those gathered from many sections of the country.

The Bureau of the Census has issued a special report, that says that the oyster ranks first in value among all fishery products in the United States, being 29 per cent. of the value of all fishery products.

The statistics of the oyster industry (enumerated below), are based upon the report of the Bureau of Industrial Statistics of Rhode Island, and the Bureau of the Census of the United States, with such other information as is on file in our office, all of which together is used as a basis for the computation and estimate of the Shell Fish Industries of Rhode Island from July 1, 1910 to July 1, 1911.

Shell Fish Industries of Rhode Island from July 1, 1910 to July 1, 1911.

Total value of capital invested.....	\$1,031,738 00
Average number of salaried employees.....	888 00
Wages including salaries.....	541,958 00
Average weekly wage during the oyster season.....	19 00
Cost of equipment and supplies.....	198,078 00
Value of oysters shipped from the State in shell.....	1,331,674 00
Value of oysters shucked.....	1,530,870 00
Value of oyster seed sold and shipped to the Pacific coast.....	62,500 00
Value of shells sold.....	5,706 00
Total value of all products, including by-products.....	2,930,750 00
Oyster seed from other state planted in R. I.....	1,604,755 bush.
Oyster seed, native (planted).....	1,312,933 bush.
Oysters shipped from the State in shell.....	1,394,983 bush.
Seed oysters sold and shipped to the Pacific coast.....	62,500 bush.
Oysters sold shucked.....	1,331,192 gal.
Oyster shells sold.....	112,232 bush.

SANITATION.

In 1910, the work was begun of cleaning the bay of pollution. The work of that year was of a preparatory nature. Investigations were made, along the lines of the most up-to-date methods of sanitary engineering, sources of contamination were located, persons and corporations responsible for such conditions were summoned before the Commissioners and evidence obtained of their responsibility for such conditions.

This work had to be discontinued for lack of funds to carry on the same, although the desirability of the continuance of this work no one can question, and unless this contamination of the tide waters of the State is stopped, the time will come when there will be no fish of any kind in our bay.

That the work thus begun has been of value, there is no doubt, for, from private investigations made this year by several oystermen, the beneficial result of last year's work has been apparent. Could the work have been continued during the year of 1911, as originally

planned by the Commissioners of Shell Fisheries, in a short time the unsatisfactory conditions would have been eliminated.

The high standard of quality, that the Federal Government at Washington demands of us, is being continued, with the same rigid requirements and restrictions that were demanded, of the oyster dealers, last year.

The Rules and Regulations that are being enforced by the Commissioners of Shell Fisheries, with reference to the growing and handling of oysters, that are to be used for food, gives ample assurance to the public of an article gathered and prepared under strict State supervision.

There is no other location where the quality of the oysters, grown and used for food, is so well regulated and safeguarded as in Rhode Island, for here the standard of quality is higher than in any other State or in England.

Rhode Island is the only State that has a law, that is susceptible of enforcement, although Virginia, New York and Massachusetts have laws on sanitation, but they are so hampered by provisions that they are practically incapable of enforcement.

The rules and regulations for the operation of oyster houses require, that opening houses be well lighted and well ventilated, that cleaning must be done at least every day, that oysters *must not* be opened on the benches, but always in proper containers. All pans, measures, colanders, buckets, cans or containers for holding oysters with the knives used by the openers must be thoroughly washed with hot water, after which they must be sterilized with boiling water or steam. An abundant supply of hot water *must* be provided in each oyster house, which is available for the washing of the utensils and benches and also for the use of the employees.

Employees who open oysters must wear aprons, gloves and finger cots that are clean. The health of the employees is observed, and all cases of illness of themselves or their families are investigated and no person is allowed in the opening house, or to have anything to do with the handling of oysters, who has recently had any contagious

disease, or in whose family there has been a recent case. Spitting upon the floor of oyster houses is strictly forbidden.

There is one or more printed copies of rules placed upon the inside wall of every opening house and the attention of the employees is called to the same.

There have been certificates granted to the lessees of ten thousand six hundred and sixty-nine (10,669) acres of oyster ground, permitting the holders of the same to gather and sell the oysters grown upon such grounds, and there have also been certificates granted to owners of thirty-three (33) opening or shacking houses, permitting oysters or other shell fish to be prepared for use.

We trust that the General Assembly, will at its present session, make suitable provision for the continuance of this much needed work. The State can ill afford to abandon this work, as the work already accomplished has placed the State in the front, in sanitary oversight of its fisheries, and the results are far reaching.

The shell fish, taken from the waters of this State and used for food, are shipped throughout the United States and Canada and also to Europe. Upon the sanitary condition of the beds where the mollusks are grown, depend to a great extent, the health of thousands of the inhabitants of these countries.

OBJECTIONS AND COMPLAINTS.

During the year 1911, there have been no objections filed with the Commissioners of Shell Fisheries, to the leasing of oyster ground which raised any controversy of consequence.

The following resolution from the Rhode Island Oyster Growers Association was received by the Commissioners of Shell Fisheries, July 7, 1911.

WHEREAS: A formal complaint was lodged with the Shell Fish Commissioners of the State of Rhode Island in March, 1910, alleging, that the waters of the State were being polluted to the extent that the

sale of oysters is affected. Whereas, it is common knowledge that said pollution still continues, and in violation of the laws of the State, and no action has been taken to abate said pollution. Now, therefore, be it resolved by the Rhode Island Oyster Growers Association, that the Shell Fish Commissioners be requested to inform this association what action it is proposed to have taken to stop said violation of the law in answer to said complaint. Be it further resolved that the committee having the matter in charge, be instructed to take such action, as may be advisable, to bring about positive action in this matter.

This resolution was considered by the Commissioners on July 21, 1911, and the clerk was directed to communicate with the Rhode Island Oysters Growers Association. The following communication was prepared by the clerk and forwarded to Mr. F. S. Beardsley, Chairman of said Association:

Providence, R. I.

MR. F. S. BEARDSLEY,
Stratford, Conn.

DEAR SIR:—I am directed by the Commissioners of Shell Fisheries to communicate to you the matters outlined below, in reference to the progress made in the investigations recently conducted by them with reference to the source of pollution of the waters of Narragansett Bay.

Upon a careful examination, and consideration of the complaint filed by the Rhode Island Oyster Growers Association as to the sources of pollution as given in said complaint, it is found to consist of two divisions or claims, viz.: 1st. The dumping of sludge at the public dumping ground, and 2nd, the discharge of sewage into the tide waters of the State, all of which is set forth as being "extremely deleterious to the oysters growing in said waters."

This Commission has diligently investigated both these alleged sources of pollution as required by law and they have arrived at conclusions in reference to the violation of the laws of the State as

arising from this practice and they would respectfully call your attention to Chapter 577, Section 1, of the Public Laws, which reads as follows:

“SECTION 1. No person shall deposit in, or allow to escape into, or shall permit to be deposited in, or allow to escape into, any of the public waters of this state, any substance which shall in any manner injuriously affect the *growth* or *sale* of the shell-fish in or under said waters, or which in any manner affect the *flavor* or *odor* of such shell-fish so as to injuriously affect the *sale* thereof, or which shall cause any injury to the public and private fisheries of this state.

After a careful study of the results of the investigation relating to the *dumping of sludge*, they are of the opinion that no damage has been done which can reasonably be held to in any manner affect the *flavor* or *odor* of shell fish or to affect the sale thereof so as to *cause* any *injury* to the public and private fisheries of the State. This being the case, we see no basis for prosecuting any person for depositing sludge, as complained of and urged by your association. The commissioners believe, however, that a continuation of this practice may in time produce deleterious results. The Commission is ready to take such action as circumstances warrant, at any time, provided sufficient reason for such action is established. As the State has, through its Commission, gone to great expense to thoroughly investigate this question and upon such investigation finds a negative result, the commissioners believe that they have done all that can be reasonably expected in the premises. If, however, anyone will produce conclusive evidence showing violation of the statute governing this matter, the Commissioners will take such action as the evidence produced indicates. Until such conclusive evidence is produced, the Commissioners of Shell Fisheries see no way of forcing the discontinuance of the practice of depositing sludge upon the public dumping ground.

The Commissioners are of the opinion that sewage is being discharged into the tide waters of the State in such manner as may be held to be in violation of Chapter 577 of the General Laws and have

appointed Samuel F. Bowden a committee in charge of this branch of the work. If you desire to be in touch with this matter, it is suggested that your attorney communicate with Commissioner Bowden with reference to this question.

Respectfully,

BRAYTON A. ROUND,

Clerk, C. S. F.

A complaint of Mr. Stephen L. Peckham of Charlestown was received by the Commissioners on September 1, 1911. Mr. Peckham complained that Mr. Charles Eldridge discharged sewage into the tide waters of the State at Quonochontaug Beach. This complaint was referred to Commissioner Wilcox for investigation. Mr. Wilcox directed Prof. Gorham to investigate the condition, which he did and reported as follows:

BIOLOGICAL LABORATORY,

BROWN UNIVERSITY,

PROVIDENCE, R. I., November 17, 1911.

COMMISSIONERS OF SHELL FISHERIES,

State of Rhode Island.

GENTLEMEN:—On September 5, 1911, I was directed by Captain John G. Wilcox to investigate certain complaints which had been presented to your Board concerning the pollution of the Quonochontaug Breachway by sewage. On September 6, 1911, I went to the Breachway and spent all day in a thorough examination of the conditions. The complaint had reference to the sewage from the Eldridge House, and I found this to be the only source from which sewage at present was entering the Breachway. At the Eldridge House I found a cesspool located under the piazza. This cesspool formerly opened through an outlet pipe controlled by a valve. This was now closed, the cesspool was covered and was being operated as a septic tank. The effluent from this tank drained into a new cesspool di-

rectly back of the old one, under the house. The new cesspool was walled up with stones and cement, but the bottom extended about one foot into the same and the contents leached through the sand.

Samples of water taken from in front of the old cesspool showed that polluting materials were leaking through the walls of the old cesspool. Indeed this leakage was apparent to the eye. Samples of the water taken at the northwest corner of the new cesspool showed that polluting materials were seeping through the sand and finding their way into the Breachway.

Because of the fact that the Breachway in this neighborhood is used for holding shell fish and other fish in cars, and for bathing purposes, the conditions here found are entirely unsatisfactory to the public health.

I therefore recommend that the owners of this property be notified of the conditions which are here reported and that they be directed to remedy these conditions at once. There is plenty of room for the construction of a cesspool in the rear of the above mentioned property and if the present cesspools were removed and relocated in the rear all danger of polluting the waters of the Breachway would be removed at a very little expense to the parties concerned. As this is the only pollution entering the waters in this neighborhood it is highly desirable that the conditions be remedied at the earliest possible moment.

Respectfully submitted,

F. P. GORHAM.

This report accompanied with Commissioner Wilcox's report was received by the Commissioners September 15, 1911, and the Clerk was instructed to notify Mr. Eldridge to discontinue discharging sewage into the tide waters of the State, and the following letter was sent to Mr. Eldridge:

PROVIDENCE, R. I., September 22, 1911.

MR. CHARLES ELDRIDGE,

Quonochontaug, R. I.

DEAR SIR:—The Commissioners of Shell Fisheries, acting under

the provisions of Chapter 577 of the General Laws of Rhode Island: An Act providing for the protection of the shell fisheries in the public waters of this State, have directed me to inform you that there has been a complaint, filed with them, that you are violating the provisions of the above mentioned chapter, this complaint has been investigated and present conditions were found not to conform to the provisions of said chapter.

This matter has been referred to Commissioner Wilcox for adjustment, and if you will confer with him, accept and follow his recommendations, the matter may be satisfactorily adjusted.

Yours truly,

BRAYTON A. ROUND,

Clerk, C. S. F.

MEETINGS OF THE NATIONAL ASSOCIATION OF SHELL FISH COMMISSIONERS, AND OF THE OYSTER GROWERS AND DEALERS ASSOCIATION OF NORTH AMERICA, ATTENDED BY REPRESENTATIVES FROM RHODE ISLAND.

There was a public meeting of the National Association of Shell Fish Commissioners convened at Baltimore, Md., April 18, 1911. The Commissioners of Shell Fisheries of Rhode Island were represented by Commissioner Samuel F. Bowden, Edward Atchison and Clerk, Brayton A. Round.

The sessions of the convention were held in the room of the Merchants and Manufacturers Association, the first convention convening at 10:30 a. m., Tuesday, April 18, 1911, with about sixty (60) delegates present from fourteen states. "The conservation of one of the greatest national resources of the United States, so that there may be more and better shell fish," was the slogan of this convention.

The delegation was welcomed by Mr. Walter J. Mitchell, Chairman of the Maryland Shell Fish Commission, and Mayor Mahool of Baltimore, who welcomed them on behalf of the city and State.

Mayor Mahool spoke on Baltimore as the home of the oyster, he said: "Marylanders and Baltimoreans should pay just as much attention to the oyster and fish as manufacturing industries." This remark may well apply to Rhode Island and Providence.

President Beacon was introduced and said, in part: "The average man in America knows very little about the infinite care and great risks the oyster farmer exercises in order to bring his products to the highest standard of excellence. He has had no notion that if steps were not taken in time oyster beds would finally disappear from the Atlantic seaboard were it not for the farsighted lovers of this luscious fruit of the sea, who beheld the sure work of destruction that was taking place and formed associations such as these. That is why in seventeen states officers have been named to take charge of the work needed to conserve this great national resource."

Mr. W. H. Killian, President of the Maryland Oyster Association, spoke on "The Oyster Problem, a Commercial Asset." He appealed to the oystermen to cease shipping young and small oysters to the market, to sell for low prices, but to keep and farm these oysters until they became large enough to be placed upon the market at a standard price.

Other speakers at the convention were T. E. B. Pope, Assistant in the U. S. Bureau of Fisheries, Subject, "A resume of Federal Oyster Work;" Commissioner Samuel F. Bowden, Subject, "Oyster Legislation in Rhode Island;" Dr. Joseph Hyde Pratt of North Carolina, Subject, "Oyster Legislation;" Dr. William Royal Stoker, Bacteriologist of the Maryland State Board of Health, Subject, "The Sanitary Examination of Shell Fish;" Dr. George W. Field of Massachusetts, Subject, "Conservation of Shell Fish in Massachusetts;" Capt. C. C. Yates, of the U. S. Coast and Geodetic Survey, "The Relation of the U. S. Coast and Geodetic Survey to State Oyster Surveys;" Dr. Caswell Graves of John Hopkin's University, Subject, "The Maryland Oyster;" William H. Corbin, Tax Commissioner of Connecticut, Subject, "Connecticut Oyster Investigation;" W. H. Chew, State Board of Health, New Jersey, Subject, "What New Jersey has done for Safeguarding the Shell Fish Industry."

Papers were prepared by the following persons: W. W. Roach, President, National Canners Association, Subject, "The Canner and the Sea Food Industry;" Dr. Julian Nelson, Biologist, New Jersey Agricultural College Experiment Station, Subject, "Oyster Spawning and Spatting."

At the Third Annual Convention of the Oyster Growers and Dealers Association of North America, held in Atlantic City, May 16th and 17th, 1911, Rhode Island was represented by Commissioners Edward Atchison and Samuel F. Bowden.

At this meeting very interesting papers were read by Drs. Wiley, Gorham, Phelps, Pease and Commissioner Beacon of New Jersey.

Dr. H. W. Wiley said in part, "The greatest problem of the Oyster Industry, sanitarily speaking, is what to do with the industrial waste.

All along the coasts, cities and states are recognizing this fact. The problem must be understood as to the quantity of pollution and its character. After this came the scientific and engineering problem of applying the remedy. The matter is being studied, and cities, states and the United States Government will eventually work in harmony to the end of purifying the waters." He also declared there was no such thing as "reasonable infection," and that "Industry had no right to poison waters of the public."

Prof. Gorham's paper on "Clean Oysters in Rhode Island," was given the closest attention, and was considered one of the valuable contributions to the convention. Also the papers of Drs. Pease and Phelps were extremely interesting and valuable contributions.

This convention was of great interest and value to the oyster industry, and it was suggested, by Commissioner Beacon of New Jersey, that the National Association of Shell Fish Commissioners and the National Association of Oyster Growers and Dealers, hold a joint session at Providence, R. I., in 1912.

Prof. F. P. Gorham attended a meeting called by the Oyster Growers and Dealers Association of North America, in New York City, on October 20th, 1911.

On November 21st, 1911, Prof. Gorham made a very thorough and comprehensive report of this meeting to the Commissioners of Shell Fisheries as follows:

November 21, 1911.

COMMISSIONERS OF SHELL FISHERIES,

State of Rhode Island.

GENTLEMEN:—In accordance with instructions from your Board, I attended a meeting called by the Oyster Growers and Dealers Association of North America in New York City on October 20, 1911.

On the morning of this date the Committee on Standard Methods of Shellfish Analysis of the American Public Health Association met or a conference on the report of that committee which is to be presented at the meeting of the association in Havana, in December.

There were present at this committee meeting, Chairman G. C. Whipple of New York, William R. Stokes of Baltimore, Md., H. D. Pease of New York, Allen J. Freeman of Richmond, Va., and F. P. Gorham of Providence, R. I.

At this meeting the committee discussed the preliminary report of last year and made certain changes which the work of the past year has suggested as being advisable. Your representative reported the conditions which had been found in Narragansett Bay last winter and spring and recommend certain changes be made which would bring the report of the committee in line with the conditions which had been found during the cold weather which were quite different from those obtained in the summer months. Were your representative not present, action might have been taken by the Committee which would have destroyed the good effects accomplished by your Board in securing the disinfection of the sewage from the city of Providence. At present the committee has under consideration the condition brought about in sea-water by the effluent from sewage plants which have been properly disinfected and conditions in Narragansett Bay will be properly protected as far as the Committee's report goes.

In the afternoon at three the representatives of the various shell-fish commissions interested in this matter convened at the Park Avenue Hotel. There were present representatives from Virginia, Maryland, New Jersey, New York and Rhode Island. Drs. Doolittle and Stiles represented the United States Bureau of Chemistry, and the above mentioned Committee of the American Public Health Association.

The tentative report of the committee was read and discussed. A method of scoring oysters which should take into consideration the beds on which grown, the houses in which opened and the methods of handling was presented by the Committee and discussed from all standpoints. It was the opinion of those present, with the possible exception of the representatives of the Government, that it would be impossible to decide upon any standard of purity for oysters until more information was at hand regarding winter and summer conditions and the effects of disinfected sewage.

In the evening at seven a dinner was tendered the representatives present by the Oyster Growers and after the dinner a discussion was held which gave the scientific men present an idea of the opinions and positions of the practical men.

On the whole, the meeting resulted in bringing about a very complete understanding between those engaged in the scientific study of shell fish and those engaged in the growing and marketing of them and showed that all are working together for the best interests of the industry and at the same time for the protection of the public.

Respectfully submitted,

F. P. GORHAM.

OYSTER.

The oyster was cultivated many centuries ago. The Chinese more than four thousand years ago practiced artificial propagation and fertilization. The early Romans had considerable areas under cultivation, and the same was extended by the Roman Emperors.

Pliny informs us of the methods used by the Romans in the cultivation of oysters, and states that at the beginning of the seventh century (B. C.) oysters were artificially reared with great success in Lake Lucrin.

There is unmistakable evidence which proves that oyster embryos were collected and reared in ponds in the time of Augustus. The simple methods of oyster culture in use, at the present time, at Lake Fusaro and the Gulf of Tarante are apparently identical with those of the Romans of two thousand years ago.

England obtains the bulk of its oyster supply from the private planters, some of whom have been long engaged in the industry. One of the oldest and most extensive is the Whitstable Company, which has worked its beds on the south shore of the Thames from time immemorial. The oyster industry in England is not as important or extensive as in France and the United States.

France has long enjoyed the products of its private oyster beds, for in the Eighteenth Century the public oyster beds were depleted, and "the government approved a sum for the propagation of this species of shell fish." The work was taken up by the French scientists and at present is successful. There are many private oyster beds in France, in fact it stands next to the United States in its oyster industry.

Canada, Holland, Italy, Germany, Belgium, Spain, Portugal, Denmark, Norway and Russia have oyster industries, although of comparatively minor importance.

To the United States belongs the leading oyster industry of the world. In this country the oyster has been cultivated to a marked degree, for all the states that have suitable areas for this culture have taken up this subject in its legislative work, and now nearly all of them have laws giving to the citizens privilege of private oyster cultivation, but to Rhode Island is given the credit of having the largest private oyster industry in the world.

There should be a continuance of prosperity of this industry in Rhode Island for there has been a very large set of oysters during the season of 1911, and there ought to be an abundant harvest of this shell fish, unless they are destroyed by star fish or other enemies.

The star fish have been abundant and annoying to the oystermen during the year 1911, and large quantites of oysters have been destroyed by them. They are one of the greatest menaces with which the oystermen have to contend.

QUAHOGS.

The quahog is one of the shell fish that is obtained from the public fishing grounds, and like all other shell fish that is obtained exclusively from the public domains, is generally becoming less and less as the public beds are depleted without adequate conservation.

There has been an extraordinary large set of this species of shell fish during the year 1911, and could this set be adequately conserved,

by the closing of certain areas to the public for a season or two by the Commission, it would have a tendency to increase the production of these beds.

The law regulating the size of the quahaug, that may be taken from the beds, has been conducive of an improved condition regarding the conservation of these shell fish, and we look forward to a replenishing of our shores by the species.

SOFT SHELL CLAMS.

The fame of the Rhode Island Clam Bake extends from the Atlantic to the Pacific, from the Gulf of Mexico to the Canadian Border, but unless some means is undertaken to conserve the "Piece de resistance" of this famed "institution" it will in a short time be only a memory.

There was a large set of clams during the season of 1911, and could there be enacted by the General Assembly adequate laws, for the conservation, propagation and protection of these shell fish, our shores might in a few years be replenished.

One of the chief difficulties in conserving this shell fish, is the practice of some of the inhabitants of taking, without regard to size, all they can gather.

There are oyster laws, quahaug laws, and scallop laws, but no clam laws. The clam must look out for itself with no one to stay the hand of devastation. Perhaps if there was a law, permitting the Commissioners of Shell Fisheries to close certain areas for a time, and, when the closed areas were opened to the use of the public, the size of the clams taken from such areas be regulated, and none but those of a suitable size allowed to be taken from the grounds, the public would have a satisfactory sized clam for use, and this species would thus be conserved.

The clams that are used at the present time, in our clam bakes, are undersized, unsatisfactory, apologies for the real genuine Rhode Island article, and we believe that there should be some legislation

enacted whereby the real "Old Fashioned" Rhode Island clam, may be restored to his own, and that the genuine old fashioned clam bake may again flourish within our midst, to the credit and glory of our State.

SCOLLOPS.

This species of shell fish is the quickest growing, shortest lived bivalve we have. The life of this species is but one and a half to two years at the most, and many that set in the early part of the summer are grown and taken before the end of the scallop season.

The scallop catch during the year 1911 was not large, but extended over considerable area, much more than in former seasons.

This species of bivalve is more liable to be moved about by the winds and tides than others, and in the fall and winter seasons large quantities are washed ashore, and are either destroyed by freezing or are caught. All the scallops that are thus destroyed, do not have an opportunity to breed, for the scallop does not breed until it is a year old, and then but once, therefore larger quantities of young scallops are thus prevented from breeding.

We do not know at this time, of any means that may be used to conserve this shell fish, although by observation and study, there may develop methods of conservation, worthy of consideration.

RENTS.

One of the sources of revenue to the State, is in the rentals received from the use of the State's domains beneath the water of Narragansett Bay and its tributaries.

This revenue began under this Commission in 1864, with an income of but sixty-one (61) dollars for the first year. Rents have continued to increase and for the year 1911 the income from this source was about one hundred and twenty thousand (\$120,000) dollars. This income for many years was comparatively small, the most rapid increase occurring during the last four or five years. Since 1906 this

revenue has more than doubled, being fifty-nine thousand (\$59,000) dollars in 1906, and one hundred and twenty (\$120,000) dollars in 1911.

To say that this income is of no value to the people of the State is saying that which is not apparent.

The rental of these areas, leased for oyster cultivation, is due and payable the first of January of each year, and the same is collected and paid into the State Treasury during the year in which they become due, together with 6 per cent. interest from and after March 1st, to the time of settlement.

More than 90 per cent. of the rentals are paid by the lessees between January 1st and March 1st, of the year in which they become due.

GROUND LEASED.

There has been new ground leased during the year 1911, as follows: One thousand eight hundred and thirty-nine and four-tenths (1,839.4) acres at the rental of five (\$5) dollars per acre, and one hundred twenty-three and nine-tenths (123.9) acres at ten (\$10) dollars per acre, making a total of one thousand nine hundred and sixty-three and three-tenths (1,963.3) acres.

There has been cancelled during the year 1911, thirty-four and four-tenths (34.4) acres at ten (\$10) dollars per acre, and one hundred and six (106) at five (\$5) dollars per acre, making a total acreage cancelled of one hundred and forty (140) acres.

The net increase in acreage during the year 1911, is one thousand seven hundred and twenty-three and four-tenths (1,723.4) acres at five (\$5) dollars per acre, and ninety-nine and five-tenths (99.5) acres at ten (\$10) dollars per acre, making a total of one thousand nine hundred and sixty-three and three-tenths (1,963.3) acres, with a net increase in rentals of nine thousand six hundred and thirty-nine (\$9,639) dollars.

There are now, January 1, 1912, recorded in the books of the Commissioners of Shell Fisheries, oyster ground leased by the State as follows:

Fifteen thousand twenty-three and seven-tenths (15,023.7) acres at five (\$5) dollars per acre, and five thousand eight hundred twenty two and three-tenths (5,822.3) acres at ten (\$10) dollars per acre, making a total of twenty thousand eight hundred and forty-six (20,846) acres, the annual rental of which amounts to one hundred thirty-three thousand three hundred forty one dollars and fifty cents (\$133,341.50).

Financial Statement of the Oyster Industry from January 1, 1911 to January, 1, 1912.

RECEIPTS.

Amounts received from rents of oyster ground.....	\$112,729 30
Amounts received from interest on 1911 rents.....	512 63
Amounts received from rents of oyster ground due 1910.....	5,714 50
Amounts received from interest on 1910 rents.....	364 03
Amounts received from scallop licenses.....	270 00
	<hr/>
	\$119,590 46

DISBURSEMENTS.

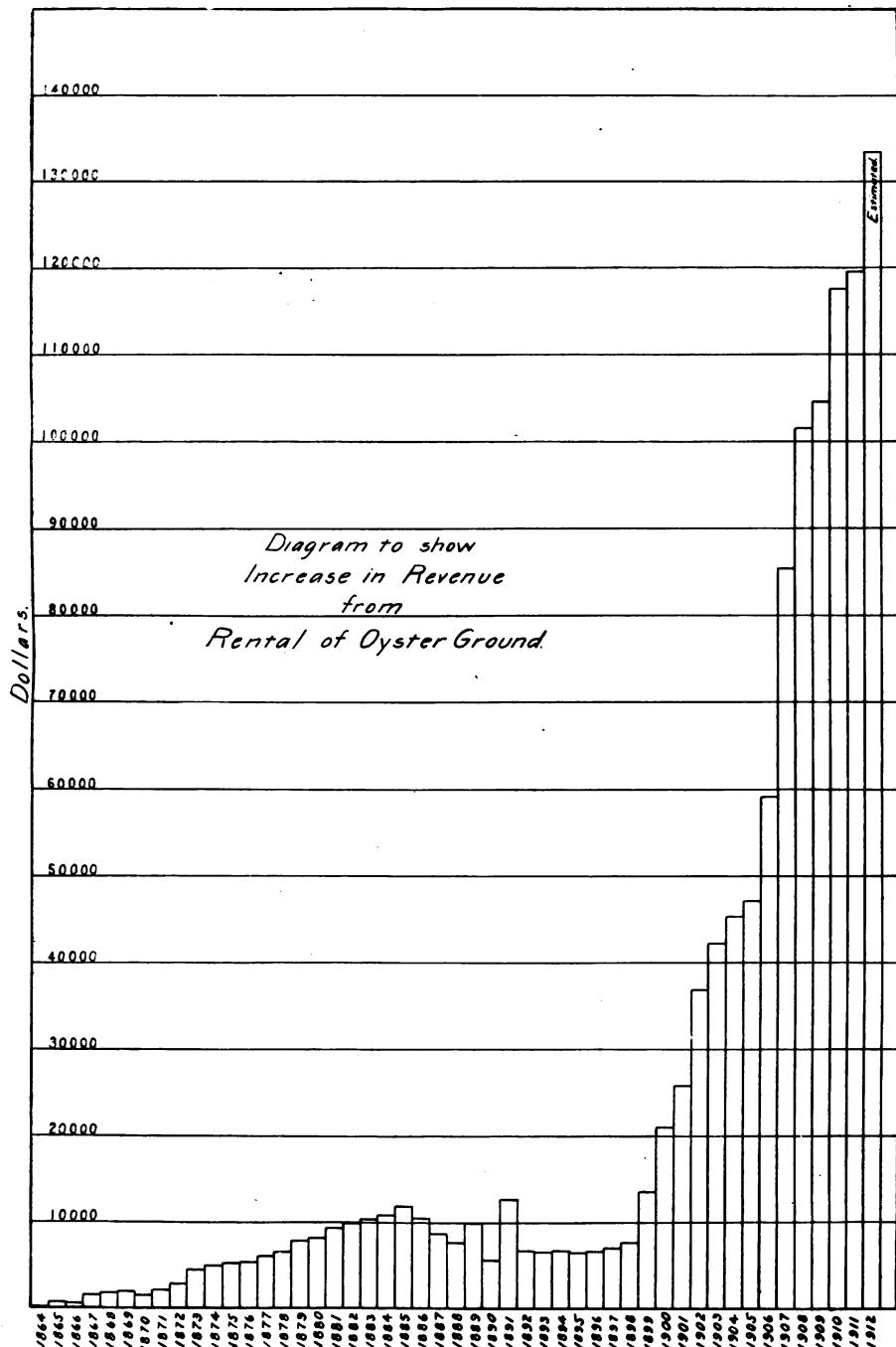
Paid for salaries of commissioners.....	\$2,500 00
Paid for salary of clerk.....	1,500 00
Paid for clerical assistance.....	600 00
Paid for surveying oyster ground.....	4,755 00
Paid for deputy commissioner.....	1,404 00
Paid for expenses of representatives to National Association of Shell Fish Commissioners.....	233 35
Paid for canvas numbers for scallop boats.....	11 25
Paid for printing maps of leased oyster beds.....	132 06
Paid for advertising hearing on oyster stakes.....	35 35
Paid for use of power boat.....	273 30
Paid for expense of investigations of complaints.....	24 4
Paid for printing.....	87 50
Paid for expressage on reports.....	8 80
Paid for office expense, postage stamps and stationery.....	233 67
	<hr/>
	\$11,798 73
Net revenue.....	107,791 73
	<hr/>
	\$119,590 46

Resolution Granting Appropriation for Enforcement of Chapter 577.

(Pollution of the Bay.)

Balance, January 1, 1911.....	\$1,315 03
Paid for bacteriological analyses.....	\$762 48
Paid for examination of oyster houses.....	66 00
Paid for engineering.....	147 45
Paid for boat hire.....	138 00
Paid for laboratory supplies.....	65 56
Paid for expenses.....	45 79
Paid for printing.....	3 75

	\$1,229 03
Balance, January 1, 1912.....	\$86 00



ALPHABETICAL LIST

Of those who have taken out scallop licenses during the year, and the number of the licenses so taken.

NAME.	RESIDENCE.	No. of License.
Allen, N. B.	Providence	23
Bennett, Palmitis R., Jr.	Apponaug	8
Blanchard, L. C.	East Greenwich	39
Card, Joseph.	Apponaug	50
Carpenter, Joseph W.	Apponaug	9
Cameron, Joshua.	East Providence	48
Church, F. C.	East Greenwich	27
Congdon, A. H.	East Greenwich	31
Cowell, Ebinezer.	Warwick	24
Cowell, R. E.	Warwick	25
Doeg, Roland.	Providence	45
Enghstuiine, Clarence H.	Narragansett	54
Field, W. E., Jr.	Warwick	5
Fletcher, H. L.	East Greenwich	53
Fortin, Edmund.	East Greenwich	21
Fortin, George.	East Greenwich	11
Fortin, James.	East Greenwich	10
Fortin, Joseph.	East Greenwich	44
Goodwin, George.	East Greenwich	18
Gorman, James.	East Greenwich	47
Harvey, Edmund M.	Portsmouth	29
Herrman, Charles.	Oakland Beach	20
Johnson, William C.	East Greenwich	22
Jorden, Daniel.	Apponaug	19
Locke, Charles B.	Apponaug	6
Locke, Henry N.	Apponaug	3

ALPHABETICAL LIST—Concluded.

NAME.	RESIDENCE.	No. of License.
Madison, Peter.....	Apponaug.....	4
McGarvey, D. W.....	Providence.....	49
Miller, Hayden A.....	Warwick.....	52
Miller, Walter.....	Oakland Beach.....	15
Mitchell, Elisha.....	East Greenwich.....	7
Nichols, Herbert A.....	East Greenwich.....	32
Nichols, Thomas S.....	Apponaug.....	30
Northup, Arthur E.....	Wickford.....	51
Northup, Christopher W.....	East Greenwich.....	43
Northup, John B.....	Apponaug.....	41
Northup, Joseph R.....	Apponaug.....	42
Peckham, George R.....	East Greenwich.....	28
Punega, John W.....	East Greenwich.....	13
Rice, C. W.....	East Greenwich.....	33, 34
Rice, George H.....	East Greenwich.....	35
Rice, Walter D.....	East Greenwich.....	36
Rodgers, Arthur.....	East Greenwich.....	12
Rodgers, Macguire.....	East Greenwich.....	14
Sherman, J. I.....	Apponaug.....	26
Shepard, William J.....	Bristol.....	1
Thomas, Sidney C.....	Portsmouth.....	2
Truesdell, Arthur.....	East Greenwich.....	37
Truesdell, William P.....	East Greenwich.....	46
Wall, C. H.....	East Greenwich.....	40
Wilson, William A.....	East Greenwich.....	38
Wilcox, Daniel C.....	Apponaug.....	16
Williams, John R.....	Apponaug.....	17

ALPHABETICAL LIST

Of those who have taken out oyster ground during the year 1911, and the number of acres and the price per acre so taken.

NAME.	Acres. \$10.00.	Acres. \$5.00.	Total No. of acres.	Amount.
Alder, Albert G.....	.4	34.6	35.	\$177 00
Aldrich, Charles H.....	5.6	.....	5.6	56 00
Aldrich, Robert.....		75.	75.	375 00
American Oyster Corporation.....		30.	30.	150 00
Beacon Oyster Co.....		120.1	120.1	600 50
Blount & Hunt.....		100.	100.	500 00
Connolly, Thomas H.....		79.5	79.5	397 50
Dodge, David R.....		37.3	37.3	186 50
Dodge, John W.....		.3	.3	1 50.
Field, Waterman E.....		21.	21.	105 00
Fortin, James.....		18.	18.	90 00
Galvin, Thomas H.....	4.9	.....	4.9	49 00
Gladding, Theodore O.....	4.7	1.5	6.2	54 50
Greene, Charles W.....		45.3	45.3	226 50
Havens, L. & W. D.....		44.2	44.2	221 00
Johnson, Henry C., 2d.....	2.	16.5	18.5	102 50
Matteson, Edmund H.....	8.8	.....	8.8	88 00
Milliken, John W.....		10.2	10.2	51 00
Narragansett Bay Oyster Co.....	3.7	631.3	635.	3,193 50
Payne, John S.....	5.8	4.3	10.1	79 50
Pettis, Frank C.....		1.6	1.6	8 00
Rocky Point Oyster Co.....		139.1	139.1	695 50
Rooks, Benjamin J.....		100.9	100.9	504 50
Seaconnet River Oyster Co.....	10.5	8.	18.5	145 00
Shepard, Wilhelmina.....		32.5	32.5	162 50
Slatterly & Dickinson.....		10.	10.	50 00
Stratford Oyster Co.....	2.	6.8	8.8	54 00
Salisbury, William A.....	11.9	11.4	23.3	176 00
Sunderland, William L.....	17.1	9.8	26.9	220 00
Smith, Frank W.....	43.4	126.5	179.9	1,116 50
Warwick Oyster Co.....	3.1	108.3	111.4	572 50
Wickford Oyster Co.....		5.4	5.4	27 00
	123.9	1,839.4	1963.3	\$10,436 00

ALPHABETICAL LIST

Of leaseholders of oyster ground within the jurisdiction of the State, with the number of acres and the price per acre leased to each, as shown by the books of the Commissioners of Shell Fisheries on January 1, 1912.

NAME.	Town.	Acres, \$10.00.	Acres, \$5.00.	Total Acres.	Amount.
Alder, Albert G.....	Tiverton.....	.4	34.6	35.	\$177 00
Aldrich, Charles H.....	East Providence.....	24.6	1.1	25.7	251 50
Aldrich, Robert.....	North Kingstown.....	13.8	97.9	111.7	627 50
American Oyster Corporation.....	Providence.....	266.8	662.	928.8	5,978 00
Babcock, Tristam D.....	Westerly.....		1.	1.	5 00
Baker, Joseph W.....	North Kingstown.....	12.3	6.1	18.4	153 50
Baker, Lewis R.....	Providence.....	5.	.....	5.	50 00
Baker, Nicholas.....	North Kingstown.....	6.6	8.2	14.8	107 00
Barber, Edwin.....	Westerly.....		2.5	2.5	12 50
Barber & Thompson.....	Westerly.....		2.9	2.9	14 50
Barns, Edwin G.....	Westerly.....	3.	.....	3.	30 00
Barns, Jeremiah I.....	Westerly.....	1.5	.....	1.5	15 00
Barney, H. T. & C. E.....	Warren.....	16.9	2.6	19.5	182 00
Balkcom Brothers.....	East Providence.....	4.9	1.6	6.5	57 00
Bayne, Washington C.....	Warwick.....	6.	.....	6.	60 00
Beacon Oyster Co.....	Wickford.....		120.1	120.1	600 50
Blount & Hunt.....	Warren.....	40.	155.7	195.7	1,178 50
Blount, Mary E.....	Warren.....	3.3	.....	3.3	33 00
Bourne, C. E. & Sons.....	Providence.....	78.7	.1	133.8	1,062 50
Bourne, John E.....	Providence.....	2.6	.....	2.6	26 00
Bowden, J. F. & A. B.....	Barrington.....	.5	.....	.5	5 00
Brown, Joseph E. (estate of).....	Warren.....	.1	1.6	1.7	9 00
Brown, Edward V.....	Warren.....	2.6	5.	7.6	51 00
Bradley, Claude L.....	Warren.....	13.3	61.9	75.2	442 50

ALPHABETICAL LIST.—Continued.

NAME.	TOWN.	ACRES. \$10.00.	ACRES. \$5.00.	TOTAL ACRES.	AMOUNT.
Buckingham, Erastus M.	Warren	92.3	157.4	249.7	1,710 00
Coggeshall, Josiah	Warren	.1	5.9	6.	30 50
Connolly, Thomas H.	Warren	210.3	411.7	622.	4,161 50
Cornell, Sidney	Warwick	10.6	.....	10.6	106 00
Cottrell, George F.	Tiverton	111.4	192.4	303.8	2,076 00
Covo, George H.	Warren	11.5	7.2	18.7	151 00
Coyne, James H.	Providence	188.1	215.	403.1	2,956 00
Daniels, William W.	Barrington	96.4	13.7	110.1	1,032 50
Decker, Garrett F.	Cranston	29.8	6.2	36.	329 00
Dewing, Ardelia C.	Providence	119.1	111.1	230.2	1,746 50
Dodge, David R.	Warwick	19.	124.4	143.4	812 00
Dodge, John W.	Barrington	103.6	21.5	130.1	1,193 50
Dodge, Sarah M.	Warwick	5.1	.....	5.1	51 00
Field, Walter E.	Warwick	.....	6.7	6.7	33 50
Field, Waterman E.	Warwick	14.	118.2	132.2	731 00
Fortin, James	East Greenwich	3.2	32.8	36.	196 00
Freeman, Walter	Providence	8.3	.....	8.3	83 00
Galvin, Thomas H.	East Greenwich	4.9	.....	4.9	49 00
Gray, Edward C.	Tiverton	18.	.....	18.	180 00
Gladding, George D.	Providence	43.1	140.8	183.9	1,135 00
Gladding, J. A. C. & Son	Bristol	30.	.....	30.	300 00
Gladding, Theodore O.	Bristol	27.8	109.4	137.2	825 00
Goodspeed, Joseph W.	Warren	177.8	114.3	292.1	2,349 50
Greene, Charles W.	Warren	38.9	90.8	129.7	843 00
Greene, George T.	Warren	65.6	254.7	320.3	1,929 50
Griffin, Edward W.	South Kingstown	2.	.....	2.	20 00
Hall, Elisha E.	Westerly	.....	1.6	1.6	8 00
Havens, L. & W. D.	Warwick	28.2	192.9	221.1	1,246 50
Johnson, Charles H.	Warwick	1.	.....	1.	10 00
Johnson, Henry C., 2d	North Kingstown	14.	24.6	38.6	263 00
Kerns, James	Providence	.....	19.7	19.7	98 50
Larsen, Lars	East Providence	6.	.....	6.	60 00

ALPHABETICAL LIST.—Continued.

NAME.	TOWN.	ACRES.	ACRES.	TOTAL ACRES.	AMOUNT.
		\$10.00.	\$5.00.		
Lewis, H. J. Oyster Co.	Providence	128.	101.7	229.7	1,788 50
Martin, Benjamin B.	Warren	792.9	3,935.4	4,728.3	27,606 00
Matteeson, Edmund H.	Warren	46.4	64.8	111.2	788 00
Merwin, William M. & Sons Co.	East Providence	53.	487.	540.	2,965 00
Milliken, John W.	Warwick	7.6	54.9	62.5	350 50
Narragansett Bay Oyster Co.	Providence	630.9	2,716.3	3,347.2	19,890 50
Nevelle, John E.	Cranston	.8	.....	.8	8 00
Nichol, George H.	Warwick	6.	.....	6.	60 00
Northup, Adelbert L.	Narragansett	4.2	4.6	8.8	65 00
O'Driscoll, Catherine	East Providence	14.3	.....	14.3	143 00
Parmelee, Charles W.	Providence	174.7	164.9	339.6	2,571 50
Payne, John S.	East Providence	33.4	124.	157.4	954 00
Pettis, Frank C.	Providence	187.1	429.	616.1	4,016 00
Reynolds, Henry I.	Wickford	76.	69.5	145.5	1,107 50
Robertson, Richard A.	Providence	238.1	206.8	444.9	3,415 00
The Rocky Point Oyster Co.	Providence	344.	560.	904.	6,240 00
Rodgers, Robert D. A.	East Providence	1.7	.....	1.7	17 00
Rhode Island Shell Fish Co.	Providence	4.	.....	4.	40 00
Rooks, Benjamin J.	Warwick	60.7	194.	254.7	1,577 00
Rooks, William J.	Warwick	4.	.....	4.	40 00
Rose, Walter H.	Warren	8.5	5.7	14.2	113 50
Slatterly & Dickinson	Warwick	.....	100.	100.	500 00
Salisbury, William A.	Providence	53.8	29.3	83.1	684 50
Seaconnet River Oyster Co.	Tiverton	39.9	36.7	76.6	582 50
Shepard, Wilhelmina	Bristol	142.5	89.9	232.4	1,874 50
Sheldon, Sidney T.	Cranston	24.5	.....	24.5	245 00
Sisson, Gilbert W.	Westerly	.....	1.	1.	5 00
Sisson, Ichabod	Westerly	.....	2.	2.	10 00
Smith, Brothers	North Kingstown	.....	4.	4.	20 00
Smith, B. Frank	Wickford	26.6	45.2	71.8	492 00
Smith, Frank W.	Warren	240.8	322.4	563.2	4,020 00
Smith, John T.	Warren	46.7	19.6	66.3	565 00

ALPHABETICAL LIST.—Concluded.

NAME.	TOWN.	Acres. \$10.00.	Acres. \$5.00.	Total Acres.	Amount.
Smith, Joseph H.....	Cranston.....	1. ....	.....	1.	10 00
Stratford Oyster Co.....	East Providence.....	62.7	604.9	667.6	3,651 50
Sunderland, William L.....	East Providence.....	270.7	236.7	507.4	3,890 50
Warwick Oyster Co.....	Warwick.....	3.1	141.3	144.4	737 50
Welden, William B.....	Providence.....	.....	96.8	96.8	484 00
Wheeler, Alfred P.....	Warren.....	3.9	.....	3.9	39 00
Wheeler, Walter E.....	Westerly.....	25.2	196.5	221.7	1,234 50
White, Mary J.....	Warwick.....	2.	.....	2.	20 00
Wickford Oyster Co.....	North Kingstown...	74.6	385.9	460.5	2,675 50
		5,822.3	15,023.7	20,846.	\$133,341 50

All of which is respectfully submitted,

PHILIP H. WILBOUR,
JOHN H. NORTHUP,
EDWARD ATCHISON,
SAMUEL F. BOWDEN,
JOHN G. WILCOX,

Commissioners of Shell Fisheries.

APPENDIX A.

RECEIPTS FROM RENTS OF OYSTER GROUNDS.

The following table shows the gross receipts received by the State each year for rents of oyster ground since and during the year 1864, at which time this office was established:

1864.....	\$61 00
1865.....	737 72
1866.....	661 27
1867.....	1,568 50
1868.....	1,814 40
1869.....	1,949 15
1870.....	1,527 65
1871.....	2,186 63
1872.....	2,772 95
1873.....	4,483 88
1874.....	4,997 00
1875.....	5,276 00
1876.....	5,300 00
1877.....	6,045 25
1878.....	6,582 90
1879.....	7,860 00
1880.....	8,190 00
1881.....	9,333 00
1882.....	9,850 00
1883.....	10,312 00
1884.....	10,757 00
1885.....	11,920 00



Shell pile. One season's output of two firms.

1886.....	\$10,433 00
1887.....	8,684 00
1888.....	7,614 00
1889.....	9,997 00
1890.....	5,616 20
1891.....	12,595 70
1892.....	6,731 55
1893.....	6,491 25
1894.....	6,675 55
1895.....	6,509 00
1896.....	6,569 57
1897.....	7,016 74
1898.....	7,690 00
1899.....	13,558 46
1900.....	20,973 08
1901.....	25,767 38
1902.....	36,843 99
1903.....	42,160 02
1904.....	45,252 58
1905.....	47,082 26
1906.....	59,080 98
1907.....	85,321 13
1908.....	101,537 10
1909.....	104,576 49
1910.....	117,555 72
1911.....	119,590 46
1912 (rents due January 1, 1912).....	133,341 50

APPENDIX B.

REVISED RULES GOVERNING THE LEASING OF OYSTER GROUNDS.

Adopted January 25, 1911.

1. Application for oyster ground may be made at any time by any suitable person permitted by the statute laws, except that where the ground has been applied for, and refused for any cause, the application must be submitted to the commissioners for action at some meeting held for the transaction of business, unless provided for elsewhere in these rules: *Provided, however,* that except by vote of the commissioners, no application will be entertained from any person who is already in arrears for rent for more than one year.
2. Applications for oyster ground shall be made in writing and signed by the applicant or by some person in behalf of said applicant. Any application received shall be recorded and the advertising paid for at the time of receiving the same.
3. When any person shall have made application for a lease of any oyster ground and the application shall have been rejected, nothing in these rules shall be so construed as to give any person any option or refusal of said land or of any unleased land, wherever situated.
4. When more than one person shall make application for a lease of the same tract of land, and the said applications shall have been advertised according to law, the commissioners shall decide to which and how many, if any, of said applicants a lease of the land so applied for shall be granted and the amount to be leased to each, but in cases where two or more applications cover the same area, those advertised at the same time may be considered by the commissioners on the

expiration of the proper advertisement and notice, even though there may be other applications for the same area, which have not been fully advertised at the time of the consideration of the first.

5. In the interpretation of applications for oyster ground, the term northerly shall mean from northwest to northeast; the term easterly shall mean from northeast to southeast; the term southerly, from southeast to southwest; the term westerly, from southwest to northwest. Similar general directions shall be taken to cover an opening of ninety degrees from the point which the direction is taken.

6. Whenever any person objects to the leasing of any tract of ground, said person shall file his reasons in writing for so objecting, with the clerk of the commissioners, before the time set for the first hearing on the application. In the hearing by the commissioners on the question whether or not a lease of said ground shall be granted, the objectors will be entirely confined to the said reasons filed in writing.

7. Whenever an objection to the leasing of any tract of ground has been properly filed, the clerk shall fix a date convenient for the commissioners for a hearing on the application.

8. In all cases where a grant of land has been made to any applicant, such applicant must take not less than fifty per cent. of the area of each application granted. Should any condition or circumstance arise to in any way prevent any applicant from taking this percentage of his application, the engineer may in his discretion relieve the applicant from taking the full required percentage. In case the engineer determines that the applicant is not securing all valuable ground under a given application, and that said applicant declines to take his full percentage when the ground is available, said engineer shall report the matter to the commissioners for their action.

9. Any ground duly advertised and granted must be promptly designated by the person to whom the grant is made, within thirty days after being notified by the engineer that he is ready to make

the survey. In case of failure to attend to the survey within said period of thirty days, the applicant shall lose his right to take the ground, unless granted an extension of this time by vote of the commissioners. In case of failure to take the ground within the said period of thirty days or within the time of extension granted by vote of the commissioners, the engineer shall report the same to the commissioners for their action.

10. Whenever any applicant for oyster ground designates the tract to be taken under any grant, the engineer shall fix such boundary lines for said tract as may appear to him reasonable. In fixing said boundaries said engineers shall take into account the shape and condition of adjoining land and fix the lines so as to leave any adjoining land in suitable shape for leasing. Also, in fixing said boundary lines the engineer shall take into account the system of platting which has been established by the practice of this office and make the lines of new leases conform to said system.

11. Whenever a portion of the amount granted to any person has been properly designated and the first survey completed and reported to the clerk, no part of the remainder shall be surveyed under such grant, nor shall the person to whom it was granted have any further claim to have such remaining portion leased to him, except by permission of the commissioners: *Provided, however,* that in cases where no other application or grant is standing for the same or adjoining ground, the applicant may have leased to him such area as comes under said grant, if in the opinion of the clerk no other parties' interests will suffer by so doing.

12. No ground shall be put into use by any proposed lessee until the survey is completed and recorded in the clerk's office and the lease of the same accepted.

13. Any person to whom land has been granted must accept the lease of the same within thirty days after being notified by the clerk that his lease is ready for execution, or in default thereof lose his right to take such lease except by vote of the commissioners. In case

of such default, such person shall, in addition to losing his right to take the lease, pay to the State the entire cost of preparing such lease, including the cost of the survey.

14. The clerk may, in his discretion, in behalf of the commissioners, transfer any lease of oyster ground from the lessee to any other suitable and proper person, on request of the lessee so to do.

15. The clerk may, in his discretion, in behalf of the commissioners, on the request of the lessee, cancel any lease or any portion of a lease on which the rent is fully paid to the date of cancellation.

16. All lessees shall pay their rents to the clerk of the commission within one year after the same fall due. Rents paid between January 1 and March 1 will be received by the clerk at their net amount. Interest at the rate of six per cent. per annum will be assessed on all rents paid after March 1 of the year in which they became due. Failure to pay the rent on any lease within the year will be deemed sufficient cause for the commissioners to terminate such lease and to proceed to collect the rent according to law.

APPENDIX C.

SANITARY RULES AND REGULATIONS FOR THE OPERATION OF OYSTER HOUSES.

Adopted October 7, 1910.

OFFICE OF THE COMMISSIONERS OF SHELL FISHERIES.

RULE 1. *Construction of Opening Houses.*—Opening houses must be well lighted and well ventilated. All accumulation of shells and fragments of oyster meats must be scrupulously avoided. Cleaning must be done at least every day. The ceiling must be free from cobwebs and dust. (We recommend that screens be placed at the windows and doors, as they will prevent flies from bringing contamination to the opened oysters).

RULE 2. *Bins.*—If bins are used for holding oysters before they are opened, they should be so constructed that all the oysters are delivered to the opener. No beams or corners should be left where the oysters can collect. The bins must be washed out thoroughly from accumulations of dirt and shells between each filling.

RULE 3. *Benches.*—The opening benches must be kept clean. Frequent flushings and scrubbings will be necessary, preferably with boiling water, at the places where the openers stand. Openers should not be allowed to open oysters directly on the benches, but always into proper containers.

RULE 4. *Utensils.*—All pans, measures, collanders, buckets, cans, etc., used for holding opened oysters must be of such construction

and such material that they may be properly cleaned. They should be thoroughly washed with soap and hot water, and then scalded out with hot water or steam at least once every day. Knives used by the openers must be subjected to the same treatment.

RULE 5. *Water Supply.*—An abundant supply of pure water must be available, not only for washing the oysters, but also for flushing the bins, benches, and floors, and for washing the utensils. If a tank is used for storing the water, it must be properly covered. Once every month it should be drained and scrubbed out to free it from any sediment.

RULE 6. *Hot Water.*—An abundant supply of hot water must be provided in every oyster house; the hot water must be available, both for washing the utensils and benches, and also for washing the hands of the employees. This will be insisted upon by the Commission.

RULE 7. *Ice.*—Cooling of oysters must be effected as rapidly as possible. The ice-box or refrigerating-room in which oysters are held must be cleaned at frequent intervals, so that it will be clean and free from odors.

RULE 8. *Employees.*—Every facility must be provided for employees for washing their hands every time they come to the opening bench to begin their work. If they leave the bench for any reason except to deposit their oysters at the proper place, they should again wash their hands. They must be particularly instructed to wash their hands thoroughly after using closets. An abundant supply of hot and cold water, soap, and clean towels must be conveniently located, and constant verbal directions by those in charge, or by printed signs, should call attention to this important point. They must also be instructed to wear aprons, gloves and finger cots which are clean. (We would recommend that the owners of the shops furnish these, so that their condition as to cleanliness can be properly controlled). Jumpers or overalls worn by the employees must be reasonably clean. Inquiry should be made for cases of

illness among the employees or their families at frequent intervals. No man should be allowed in the opening house or to have anything to do with the handling of the oysters, who has had any recent contagious disease or in whose family there has been such a case. The advice of the local health officer should be obtained.

RULE 9. *Toilet Facilities.*—Toilet facilities must be provided, but they must be so located that there will be no danger of pollution from this source, and the closet must be kept clean.

RULE 10. *Floating Oysters.*—Holding oysters in floats in such a way that they come in contact with water which is contaminated with sewage will not be allowed.

RULE 11. *Spitting.*—Spitting upon the floors of oyster houses is strictly forbidden.

The Inspector of the Commission will visit the oyster houses from time to time to see that the above directions are carried out; and unless the shops conform to the above regulations, licenses will not be issued or those that are issued, cancelled.

One or more of these printed rules must be placed upon the wall inside of every opening house and the attention of the employees called to the above rules.

Per order of the COMMISSIONERS OF SHELL FISHERIES.

APPENDIX D.

REGULATIONS IN REFERENCE TO MARKERS FOR OYSTER GROUNDS.

Adopted by the Commissioners of Shell Fisheries, July 21, 1911.

Buoys.

All buoys used for marking oyster grounds after May 1, 1912, shall be wooden spars attached to a mooring by a length of rope which shall allow the buoy to float clear of the bottom, an amount equal to at least one-quarter of the ordinary depth of the water at low tide at the place where anchored.

Said spars shall be of approximate round section and tapered from the butt to the top in reasonable proportions. They may be either the natural growth of the wood of suitable proportions or they may be manufactured.

Said spars shall be adjusted so as to take as nearly a vertical position as practical and so as to show not less than five feet at ordinary high tide.

Said spars shall be rounded on the top end, and all projections shall be removed down to the solid body of the spar so that any portion which may be exposed during any stage of the tide shall always present a smooth surface.

Said spars shall be from one and one-half to two and one-half inches through at the top for all buoys placed in water less than twelve feet deep at mean low tide. All other buoys shall be from two to three inches through at the top.

From this date until May 1, 1912, the above specified buoys or the bush top cedar buoy as established by the commissioners in 1910 may be used, but no buoy shall be used which shows less than five feet under the bush at ordinary high tide.

All buoys shall be marked with the initials of the lessee painted on canvas tags in durable black letters not less than four inches high.

STAKES.

Such lines as are permitted by the provisions of the law may be marked with flexible stakes which show at least eight feet above ordinary high tide. Such stakes shall be so trimmed as to always present a smooth surface from the low water line to the limbs which may be left on the top.

The only stakes permitted by law are those "On the inside or shoreward boundaries," "And in no case in more than six feet of water at mean low tide."

All corner stakes shall be marked with the initials of the lessee painted on canvas tags in durable black letters not less than four inches high.



Specimen of full grown native Pacific Coast oysters.

APPENDIX E.

PUBLIC LAWS RELATING TO SHELL FISHERIES.

CHAPTER 202.

OF FREE AND COMMON OYSTER FISHERIES.

Gen. Laws of
R. I., Revision
of 1909.

Close time on
oysters.

SECTION 1. Every person who shall take any oysters from the free and common oyster fisheries northerly of Field's Point and Kettle Point in this state between the first day of June in any year and the first day of April in the following year, or from the free and common oyster fisheries in any of the other waters of this state between the fifteenth day of May in any year and the fifteenth day of September, or expose any oysters for sale taken therefrom in violation of the foregoing provisions, shall be fined twenty dollars for each offence.

SEC. 2. Every person who shall take more than twenty bushels of oysters, including shells, during any twenty-four hours for each boat employed by him in taking the same, from any of the free and common oyster fisheries within the waters of the state shall be fined twenty dollars for every bushel so taken over and above said twenty bushels, one-half thereof to the use of the state and one-half thereof to the use of the complainant.

Penalty for
taking over 20
bushels of oys-
ters in 24 hours.

SEC. 3. Every person who shall take any oysters from any free and common oyster fishery within this state, with

Penalty for the
use of dredges,
etc.

dredges or any other instrument, or by any other method more destructive to oyster beds than the usual method of taking them by oyster tongs, shall forfeit the boat or vessel with its tackle, apparel, and furniture, and all implements thereto belonging, and in addition thereto shall be fined one hundred dollars, one-half thereof to the use of the state and one-half thereof to the use of the complainant.

Exceptions.

SEC. 4. Nothing in the preceding section shall be so construed to prevent any citizen of this state from taking oysters in the public waters of this state with dredges when the water at mean low tide is fifteen or more feet in depth: *Provided, however,* no such dredges shall be used or operated by any vessel propelled by machinery.

Oysters to be taken in day time, only.

SEC. 5. No person shall take oysters from a public oyster ground or bed except between the hours of sunrise and sunset on any day.

Citizens only may take shell fish.

SEC. 6. No person shall be allowed to fish for oysters or other shellfish within the public fisheries of this state, unless he and his employer are at the time, and have been for one year next preceding, residents of this state.

Penalties.

SEC. 7. Every person violating any of the provisions of sections four, five, and six of this act shall be fined twenty dollars for each offence, one-half thereof to the use of the complainant and one-half thereof to the use of the state; and every boat or vessel used in any way or employed in taking oysters or shellfish contrary to the provisions of any of said sections shall, together with its tackle, apparel, furniture, and implements on board, be forfeited.

Penalty on second conviction.

SEC. 8. Every person convicted a second time of a violation of any of the provisions of this act shall, in addition to the penalties before mentioned, be deprived of the privilege of fishing for oysters in the waters of the state for three years thereafter, under a penalty of thirty days imprisonment for each offence.

CHAPTER 203.

Gen. Laws of
R. I., Revision
of 1909.

OF PRIVATE AND SEVERAL OYSTER FISHERIES.

SECTION 1. There shall be elected by the general assembly, in grand committee, five commissioners of shell fisheries, one from each county, who shall hold office for the term of five years. The general assembly, in grand committee, at the January session in the year nineteen hundred ten, and in each fifth year thereafter, shall elect five members of said board, and the members so elected shall hold their offices until the first day of February in the fifth year after their appointment. Any vacancy that may occur in said offices while the general assembly is not in session may be filled by the governor until such time as some person elected by the general assembly, in grand committee, to fill such vacancy, shall be qualified to act. Any person elected by the general assembly to fill such vacancy shall hold office for the unexpired term of the person whose place he is elected to fill. They shall have power and authority to elect a clerk and prescribe his duties.

SEC. 2. The said commissioners, previous to entering upon the duties of their office, shall severally give a bond, with sureties satisfactory to the general treasurer, in the sum of one thousand dollars, with condition to faithfully perform the duties of the office according to law.

SEC. 3. The clerk of the commissioners of shell fisheries is hereby required to give a bond in such sum and with such surety or sureties as will be satisfactory to the general treasurer, with condition faithfully to perform the duties of the office according to law; the expense of procuring said bond shall be defrayed by the state.

SEC. 4. The said commissioners shall make annual report to the general assembly at its January session of their doings

Commissioners
of shell fish-
eries, how elected
and term of
office.

Clerk of shell-
fish commis-
sioners to give
a bond.

Shell-fish com-
missioners to
make an annu-
al report.

and the condition of this department of the public service, including a detailed statement of all moneys received and expended on account thereof; and also including the names of all of the lessees of said land, the number of acres leased each person, and the value thereof.

Office of.

SEC. 5. The said commissioners shall have an office in the state house in the city of Providence, where the maps, charts, books, leases, and other property connected with said commission shall be kept.

Not required
to give surety,
for costs.

SEC. 6. Each of said commissioners shall, by virtue of his office, make complaints for any violation of the laws of this state relating to shell fisheries, and of any subsequent amendments thereof, without giving recognition or surety for costs.

May appoint
deputies.

SEC. 7. The said commissioners may appoint such deputies as they shall deem necessary for the detection and prosecution of any violation of the laws of this state relating to shell fisheries. Each of said deputies appointed as aforesaid shall be, by virtue of his office, a special constable, and as such deputy may, without warrant, arrest any person found violating any of said laws, and detain him for prosecution not exceeding twenty-four hours, and may seize any boat or vessel used in such violation, together with her tackle, apparel, and furniture, and all implements belonging thereto. Said commissioners may make all necessary regulations for the enforcing of said laws, and they shall be allowed their actual disbursements made in carrying the same into effect.

This section is
amended by
Chapter 393.
Passed April 23,
1909.

SEC. 8. Said commissioners may, unless otherwise by statute prohibited, agree to lease in the name of the state, by public auction or otherwise, to any suitable person, being an inhabitant of this state, any piece of land within the state, covered by four feet of tide-water at mean low tide as delineated upon the plats in the office of commissioners of shell fisheries, and not within any harbor line: *Provided*, that in



Oysters of one season's growth set on both sides of one shell.

Brightman's Pond or Babcock's Pond, so called, in the town of Westerly, said commissioners may agree to lease any piece of land therein, below mean low-water mark, whether the same is covered by four feet of tide-water or not, to be used as a private and several oyster fishery for the planting and cultivation of oysters thereon, upon such terms and conditions as they may deem proper, but not for a longer term than ten years or for a shorter term than five years, nor for a rent of less than ten dollars per annum for every acre to be leased, where the water is of the depth of less than twelve feet at mean low water, as shown on the plats in the office of the commissioners of shell fisheries, and not agreeing to lease more than one acre at a time in one lot or parcel to one person or firm; but in drawing such leases said commissioners may include in the instrument of lease one or more acres of land so leased by them, and all such leases shall be made and executed free of expense to the lessees; and neither of such commissioners shall at any time be interested in any lease of ground for planting oysters, or in the cultivation or product thereof: *Provided, however,* that in Little Narragansett bay, and in Pawcatuck river below "Pawcatuck rock," so-called, the said commissioners may let such land on terms as to time and rentals as may seem to them best. *See Chapter 396, Pub. Laws.*

SEC. 9. The said commissioners may let and lease any lands within the state covered by tide-water where the said water is of the depth of at least twelve feet according to the plats in the office of the commissioners of shell fisheries at the average low water, for the purpose of having the said land used in planting and cultivating oysters in the deep waters of Narragansett bay and tributaries, at an annual rental of not less than five dollars per acre, for a term not exceeding ten years from such letting.

SEC. 10. Any person who shall wrongfully make claim to any public oyster ground, of which he has no lease or title

May lease cer-
tain lands as
private oyster
ground.

Same subject.

Penalty for
wrongfully
claiming public
oyster ground.

from the state, by erecting bounds or monuments thereon of any description, or otherwise claiming title to such land, shall for the first offence pay a fine of twenty dollars and costs, and for every subsequent offence pay a fine of fifty dollars and costs, one-half thereof to the use of the state and the other half to the complainant.

Surveys and
plats of oyster
grounds to be
done at ex-
pense of state.

SEC. 11. The said commissioners shall cause the original surveying and platting of all lands for planting and cultivating oysters under provisions of this chapter to be done at the expense of the state and without charge to the lessees; and the state auditor shall draw his order for the payment of said surveys and platting upon the general treasurer, upon properly presented vouchers approved by said commissioners, and the general treasurer shall pay said orders out of any moneys that may be in his hands not otherwise appropriated.

May cancel or
modify leases,
etc.

SEC. 12. The said commissioners may at the request of the lessee, for cause shown, cancel or modify any lease, or they may remit or abate the rent reserved therein if it shall be made to appear to the satisfaction of the commissioners that it would be equitable so to do.

Certain lands
are not to be
leased.
This section is
amended by
Chapter 672.
Approved
April 12, 1911.

SEC. 13. The said commissioners shall not let any land north of a line extending across Providence river from Field's Point to Kettle Point; or let any lands west of a line drawn from Warwick Neck light to Pojack Point, at Potowomut Neck; or west of a line drawn from Powderhouse Point to Gould Island; or west of a line drawn from Gould Island to New Ledge; or north of a line drawn from New Ledge to Almy's wharf, so-called, in the town of Portsmouth; or let any lands between the Railroad bridge and Stone bridge, so-called, in the Seacow net river in the towns of Portsmouth and Tiverton; or let any land between Pomham light and Nayatt light; or between Pawtuxet Neck and Rocky Point in-shore; or any land lying between a line running due east and west through

the Rhode Island Yacht Club building and a line running due east and west through Pomham beacon, and west of the channel from land already leased; or let any of the ponds in Little Compton, South Kingstown, New Shoreham, Tiverton, Portsmouth, or Westerly; or the cove, so-called, in the town of Portsmouth, except Brightman's pond or Babcock's pond, so-called, in said Westerly: *Provided, however,* that said commissioners shall not let more than three acres in said Brightman's or Babcock's pond to any one person; *and provided, further,* that every person to whom any of the lands in said Brightman's or Babcock's pond shall be let under the provisions of this chapter shall have had his home and residence in this state for the period of three years next preceding the letting thereof; or let the channel between Long Neck and Marsh Island flats, from the channel in Providence river to the bridge in Pawtuxet; *and provided further,* that nothing in this section shall be so construed as to affect any of the lands which have been leased or the releasing thereof.

SEC. 14. The said commissioners shall give notice of every application for a lease of land for the planting of oysters by publication twice a week for two successive weeks in some daily newspaper published in the city of Providence, and also once a week for two successive weeks in some newspaper published in the county nearest to which the ground is located, describing the land therein applied for and giving the name and residence of the applicant and the day, hour, and place where the land will be let; which day shall in all cases where the first hearing upon such an application is to be had be upon the first or third Friday of the month, and the commissioners may give such further notice of such application as they may deem to be necessary to inform persons interested of the pendency of such application, and the actual costs of publishing said notices shall be paid by the applicants.

Application
for leases to be
advertised.

**Adjournments,
effect of decision.**

SEC. 15. Said commissioners may adjourn such hearing from time to time, and may issue process to compel the attendance of witnesses for either party, and shall give notice to all parties who have appeared before them upon any application of the time and place when their decision will be given; and such decision shall be final, unless appellate proceedings are taken and prosecuted as hereinafter provided.

**Petition to the
supreme court.**

SEC. 16. Any person aggrieved by the decision of the commissioners upon any application for a private or several oyster-ground or oyster-fishery may petition the supreme court for a reversal or modification of such decision.

**When to be
presented.**

SEC. 17. Application for citation in such case shall be made to the clerk of said common pleas division within five days from the day such decision shall have been made, and the petitioner shall, at or before the time for filing his petition, file with said clerk a copy of the proceedings before the commissioners, and a bond, signed by him or by some one in his behalf, with sufficient surety, in the sum of fifty dollars, payable to said clerk for the use of the state, with condition to prosecute such petition to final judgment and to pay such witness fees and the costs of summons incurred by any party opposing such petition as the court shall award, in case the decision of the commissioners shall not be reversed.

**How to be
tried.**

SEC. 18. Such case shall be heard and tried in the same manner as other cases entered upon the docket of said court, and the judgment of the court (which shall be entered immediately upon the rendition of decision or verdict) shall be conclusive upon the question whether said land shall or shall not be leased, and the commissioners shall grant or refuse a lease accordingly.

**Leases how ex-
ecuted, what
to contain, etc.**

SEC. 19. Such leases shall be executed by such lessee, as well as by said commissioners, in two parts, one part thereof to be delivered to such lessee and the other part thereof to



Sample of a set of mussels upon oysters in 1902.

be retained by said commissioners and recorded in a book kept for that purpose, and shall contain proper covenants for the payment of rent and the performance of the conditions and observance of the restrictions therein set forth, with proper clauses reserving to said commissioners a right to re-enter on behalf of the state and to terminate said lease for breach of any of such covenants.

SEC. 20. Said commissioners shall before granting any such lease cause the land to be leased as aforesaid to be surveyed and platted, and shall in all cases cause proper bounds with marks thereon to be set up either on the shore opposite and nearest to such land to be leased as aforesaid, in order to define the limits thereof, or shall cause such land to be leased as aforesaid to be marked with stakes or buoys at the corners of the ground leased, with such marks thereon as they may direct. Such bounds, stakes, or buoys, with the marks thereon, shall be renewed whenever the commissioners shall direct.

Land leased, to
be platted, etc.
This section is
amended by
Chapter 703.
Approved
May 12, 1911.

SEC. 21. The drawing and executing of such leases, the original surveying and platting, shall be done by said commissioners without expense to the lessees. The setting up of the bounds, stakes, or buoys shall in all cases be done by the lessee under the direction of the commissioners.

Commissioners
to direct the
work.

SEC. 22. Every person who shall willfully injure, deface, destroy, or remove such marks or bounds, or deface any mark thereon, or shall tie or fasten any boat or vessel to any such stake or buoy, shall be fined twenty dollars for each offence, one-half thereof to the use of the state and one-half thereof to the use of the complainant. Every such person shall, in addition thereto, be liable in an action of the case to pay double damages and costs to the person who shall be injured by having the marks and bounds, stakes, or buoys of their said lots injured, defaced, removed, or destroyed as aforesaid.

Penalty for in
jury to bounds,
etc.

Civil liability.

Oysters on
ground leased
are the per-
sonal property
of the lessee.

Penalty for
taking oysters
from a private
bed without
consent.

Commissioners
are to enforce
leases.

May sue for
rents.

May take pos-
session of and
sell lessee's in-
terest if rent is
not paid.

SEC. 23. The oysters planted or growing in any private oyster ground leased as aforesaid shall, during the continuance of the lease, be the personal property of the lessee of such oyster ground.

SEC. 24. Every person who shall work a dredge, pair of oyster tongs or rakes, or any other implement for the taking of shellfish of any description, upon any private and several oyster ground or bed without the consent of the lessee or owner thereof, or who shall, while upon or sailing over any such ground or bed, cast, haul, or have overboard any such dredge, tongs, rake, or other implement for the taking of shellfish of any description, under any pretense or for any purpose whatever, without the consent of such lessee or owner, shall for the first offence be fined not exceeding twenty dollars or be imprisoned not exceeding thirty days, and for every subsequent offence shall be fined not exceeding one hundred dollars or be imprisoned not exceeding six months.

SEC. 25. Said commissioners shall from time to time diligently inspect and ascertain whether or not the terms and restrictions of the leases are kept and performed in a just and proper manner, and whether or not the rents are punctually paid; and in case said terms and restrictions are not kept and performed, or said rents are not punctually paid, the commissioners shall forthwith enter upon the land so leased and terminate the lease.

SEC. 26. The commissioners may, in the name of the state, institute any legal proceedings that may be necessary for the collection of such rent. The commissioners may take possession of any lot leased, upon which the rent shall not have been paid, and may dispose of said lot with all the oysters thereon at public auction to the highest bidder, first giving notice of the time and place of sale by publishing the same at least once each week for two successive weeks in some newspaper published in the city of Providence, with

power to adjourn such sale from time to time, giving like notice of such adjournment; to make and execute to the purchaser at such sale a good and sufficient conveyance of all the right, title, and interest of said lessee in and to the lot leased, together with the oysters thereon; and to receive the proceeds of such sale, and from said proceeds to retain all sums due and owing the state for rent as aforesaid, together with all expenses incident to such sale, rendering and paying the surplus of said proceeds of sale, if any there be over and above the amounts so to be retained as aforesaid, to said lessee, his heirs, executors, administrators, or assigns.

SEC. 27. Every person who shall take oysters from any private and several oyster bed, except between the hours of sunrise and sunset, shall be fined twenty dollars for each offence, one-half thereof to the use of the state and one-half thereof to the use of the complainant; and every boat or vessel used or in any way employed in so doing shall, together with its tackle, apparel, furniture, and implements on board, be forfeited.

Oysters not to be taken between sunset and sunrise.

SEC. 28. Every person who shall wrongfully take and carry away oysters from a private oyster bed shall for the first offence be fined fifty dollars and be imprisoned for thirty days, and for every subsequent offence shall be fined one hundred dollars and be imprisoned for six months.

Penalty for unlawful taking from a private oyster bed.

SEC. 29. Any police constable may in view of the commission of any offence against the provisions of this chapter upon any of the public waters of the state arrest the offender without warrant and detain him for prosecution not exceeding twenty-four hours.

Police constable may arrest without a warrant on view of an offence.

SEC. 30. Every person who shall willfully break up, damage, or injure any bed of oysters, or any tract of land leased from the state for an oyster bed, by depositing thereon earth, stones, or dredgings or scoopings from the river or docks, or in any other manner, shall be fined not exceeding five hun-

Penalty for injury to oyster grounds by any means.

dred dollars, one-half thereof to the use of the state and one-half thereof to the use of the complainant; and shall forfeit his boat or vessel, with her tackle, apparel, and furniture, and all the implements by him used in injuring such oyster bed.

Penalty for violation of this chapter upon second conviction.

SEC. 31. Every person convicted a second time of a violation of any of the provisions of this act shall, in addition to the penalties herein before mentioned, be deprived of the privilege of fishing for oysters in the waters of the state for the space of three years thereafter, under penalty of thirty days imprisonment for each offence.

Penalty for taking more than two bushels of oysters daily from Trustan pond.

SEC. 32. Every person who shall take more than two bushels of oysters during any one day from Trustan pond, in South Kingstown, shall be fined not less than five dollars nor more than twenty dollars for every bushel so taken above two bushels.

Commissioners to act as special constables; with what powers.

SEC. 33. Each of said commissioners shall be by virtue of his office a special constable, and, as such commissioner, may arrest any person found violating any of the provisions of this act, and may seize any boat or vessel, with her tackle, apparel, and furniture, and all implements belonging thereto, when employed in taking oysters or in injuring any oyster bed in violation of the provisions of this act, and shall make complaint when called upon to do so for all such violations, and in any such complaint he shall not be required at the time of complaint or thereafter to enter into recognizance or in any way to become liable for the costs that may accrue thereon; and the attorney-general shall, when notified to do so by the complainant, prosecute all such complaints in the court where the same shall be made or be pending; and all cases of appeal thereof from the sentence of a district court, and all questions arising under the same, or under any complaint and warrant made under the provisions of this act, in either division of the supreme court, shall be conducted by said attorney-general.



Growth of set from July, 1905, to March, 1906.

SEC. 34. A surveyor may be employed to fix the place or otherwise to designate the locality of any violation of the provisions of this act, and reasonable charges of such surveyor for such service shall be allowed by the court, if said employment shall be by said court deemed to have been necessary; and such charges when allowed as aforesaid shall be taxed in the bill of costs.

SEC. 35. All leases of oyster grounds heretofore granted by the commissioners of shell fisheries to any party or parties residents of this state are hereby validated and confirmed.

Leases validated.

CHAPTER 205.

Gen. Laws of
R. I., Revision
of 1909.

OF THE PROTECTION OF QUAHAUGS.

SECTION 1. Every person who takes or has in his or her possession any quahaugs less than one and one-half inches in diameter, taking the largest diameter, taken from any waters of this state, shall be fined five dollars for each and every quart, but any person taking any quahaugs less than one and one-half inches in diameter, taking the largest diameter, from any of the waters of this state, and immediately returning the same, unmutilated, to the water from which they were taken, shall not be subject to such fine.

Quahaugs:
penalty for
taking, etc. of
less than $1\frac{1}{2}$
inches in diam-
eter.

SEC. 2. Every person who shall take any quahaug from the waters of this state by dredges or rakes operated or hauled by power-boats, shall be fined twenty dollars for each bushel so taken.

Quahaugs not
to be taken
from waters by
rakes operated
by power
boats.

SEC. 3. Fines incurred by violation of any of the foregoing provisions shall enure one-half thereof to the use of the state, and one-half thereof to the use of the complainant.

Fines to enure,
how.

Gen. Laws of
R. I., Revision
of 1909.

CHAPTER 209.

OF THE SCOLLOP FISHERIES.

Penalty for
taking of scol-
lops between
sunset and sun-
rise.

SECTION 1. Every person who shall take any scallops from any of the waters of this state between the hours of sunset and sunrise shall be fined twenty dollars and be imprisoned not more than thirty days for each such offence.

Penalty for
taking of more
than that quan-
tity in one day.

SEC. 2. Every person who shall take, in any one day, from any of the waters of this state, more than twenty-five bushels of scallops, including the shells, for each boat actually employed by him in taking the same, shall be fined twenty dollars and be imprisoned not more than thirty days for each such offence.

Penalty for
violation of
close time.
This section is
amended by
Chapter 393.
Passed April 22,
1909.

SEC. 3. Every person who shall take any scallops from any of the waters of this state by dredging or by any other means at any time between the first day of January and the first day of September shall be fined twenty dollars and be imprisoned not more than thirty days for each such offence; but nothing in this section contained shall be so construed as to prevent any person from taking scallops lawfully caught and bedded by him from the grounds in which he has planted them at any time between the first day of January and the fifteenth day of April.

Penalty for
taking seed
scallops.
This section is
amended by
Chapter 393,
section 2.

SEC. 4. Every person who shall take any seed scallops from any of the waters of this state by dredging or by any other means, or shall have in his possession any seed scallops and shall fail immediately to restore them to their natural beds, shall be fined twenty dollars and be imprisoned not more than thirty days for each such offence.

Scallop fisher-
men to be li-
censed.

SEC. 5. Every person, before engaging in the taking of scallops, shall obtain from the commissioners of shell fisheries a license for his boat or boats, the fee for which shall be five dollars for every boat thus engaged. And every person

who shall take any scallops from any of the waters of this state without first obtaining such license from said commissioners shall be fined twenty dollars and be imprisoned not more than thirty days for each such offence: *Provided, however,* that nothing in this section contained shall be so construed as to prevent any person from taking one bushel of scallops per day for his own use; *and provided, further,* that no boat shall be allowed to have more than two men, each of whom shall be allowed one bushel for his own use.

SEC. 6. All licenses shall expire on the thirty-first day of December of each year; and for every license issued by said commissioners there shall be paid to the clerk thereof a fee of twenty-five cents for his own use: *Provided,* that every person to whom a license is granted under the provisions of this act shall have had his home and residence in this state for the period of one year next preceding the granting of such license or the renewal thereof.

Licenses, when to expire, and fee for.

To be granted to residents of this state only.

Boats to be numbered.

SEC. 7. The commissioners of shell fisheries shall provide a number for every boat licensed by them; said number shall be black, eight inches in length, and shall be exposed in a conspicuous place upon each boat upon a white surface, and the deputies shall keep a record of all such licensed boats in a book kept for that purpose.

Penalty for opening scallops while catching them and throwing shells onto the beds, etc.

SEC. 8. Every person who shall open any scallops while catching them or throw the shells onto the scallop beds, and every person who shall throw back into the water any starfish, shall be fined twenty dollars and be imprisoned not more than thirty days for each such offence.

Of the possession of scallops during close time.

This section is amended by Chapter 393, section 3.

SEC. 9. Possession by any person of any scallops between the fifteenth day of April and the first day of September shall be *prima facie* evidence before any court of competent jurisdiction that such scallops were taken in violation of this chapter; and every such person shall be fined twenty dollars and be imprisoned not more than thirty days for each such offence.

Deputy shell-fish commissioners, how appointed and powers of.

SEC. 10. The commissioners of shell fisheries shall appoint at least four deputies, whose duties shall be the enforcing of the provisions of this chapter; they shall be selected one from Bristol county, one from Kent county, one from Newport county, and one from Washington county. Each of said deputies appointed as aforesaid shall be by virtue of his office a special constable, and as such deputy may, without warrant, arrest any person found violating any of the provisions of this chapter and detain him for prosecution not exceeding twenty-four hours. The commissioners and their duly appointed deputies may search in suspected places, or go upon any boat or vessel that they may believe is used in the illegal taking or transportation of scallops, and may seize and remove scallops taken, held, or offered for sale in violation of the provisions of this chapter. Said deputies shall not be required to enter into recognizance or become liable for costs.

Fines, how to inure.

SEC. 11. Fines incurred under any of the provisions of this act shall inure one-half thereof to the use of the complainant and one-half thereof to the use of the state.

District courts to have concurrent jurisdiction with common pleas division of supreme court over offences under this chapter.

SEC. 12. The several district courts shall have concurrent jurisdiction with the common pleas division of the supreme court over all offences under this chapter and to the full extent of the penalties therein specified; parties defendant, however, having the same right to appeal from the sentences of said district courts as is now provided by law in other criminal cases.

CHAPTER 393.

AN ACT IN AMENDMENT OF CHAPTER 833 OF THE PUBLIC LAWS, PASSED AT THE JANUARY SESSION, 1901, ENTITLED "OF THE SCOLLOP FISHERIES."

Passed April 22, 1901.

It is enacted by the General Assembly as follows:

SECTION 1. Section 3 of Chapter 833 of the Public Laws, passed at the January session, 1901, is hereby amended so as to read as follows:

"SEC. 3. Every person who shall take any scallops from any of the waters of this state, by dredging or by any other means, at any time between the first day of January and the first day of September, shall be fined twenty dollars and be imprisoned not more than thirty days for each such offence; but nothing in this section shall be so construed as to prevent any person from taking scallops, lawfully caught and bedded by him, from the grounds in which he has planted them, at any time between the first day of January and the fifteenth day of April; but it shall be lawful for any person, at any time, to take scallops from the shores of this state by hand, for food for his own personal or family use and not for sale, said scallops not being covered by water at the time of the taking."

Scallops,
penalty for
violation of
close time on.

SEC. 2. Section 4 of Chapter 833 of the Public Laws, passed at the January session, 1901, is hereby amended so as to read as follows:

"SEC. 4. Every person who shall take any seed scallops from any of the waters of this state, by dredging or by any other means, or shall have in his possession any seed scallops and shall fail immediately to restore them to their natural beds, shall be fined twenty dollars and be imprisoned not more than thirty days for each such offence. For the purpose of this act a seed scallop shall be a scallop with a bright, thin, slightly curved shell, with no foreign adherent, the shell having

Penalty for
taking seed
scallops.

no sharply defined growth line, and the scallop being less than one year old."

SEC. 3. Section 9 of Chapter 833 of the Public Laws, passed at the January session, 1901, is hereby amended so as to read as follows:

Of the possession of scallops during close time.

"SEC. 9. Any person who shall offer for sale any scallops between the 15th day of April and the 1st day of September shall be fined twenty dollars and be imprisoned not more than thirty days for each such offence."

SEC. 4. This act shall take effect upon and after its passage, and all acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 396.

Passed April 23, 1909.

AN ACT IN AMENDMENT OF AN ACT ENTITLED CHAPTER 1092 OF THE PUBLIC LAWS, PASSED MARCH 24, 1903, ENTITLED "OF PRIVATE AND SEVERAL OYSTER FISHERIES."

It is enacted by the General Assembly as follows:

SECTION 1. Section 1 of Chapter 1092 of the Public Laws, passed March 24, 1903, and entitled "An act in amendment of section 7 of Chapter 853 of the Public Laws, passed March 29, 1901, entitled 'An act in amendment of and in addition to Chapter 170 of the General Laws, entitled 'Of private and several oyster fisheries,'" is hereby amended so as to read as follows:

May lease certain lands as private oyster ground.

"SEC. 7. Said commissioners may, unless otherwise by statute prohibited, agree to lease in the name of the state, by public auction or otherwise, to any suitable person, being an inhabitant of this state, or any corporation chartered under the laws of this state, for the purpose of oyster culture and the oyster business:—*Provided*, that said corporation shall have its principal place of business within this state for the opening,

shipping, and selling of all oysters grown on ground leased to it within this state; *and provided, further*, that said corporation shall not ship out of this state any oysters in cargo lots direct from any of the oyster grounds leased to it; *and provided, further*, that, if at any time hereafter said corporation shall practically cease to carry on actively the business aforesaid, then and thereupon, said commissioners may cancel said lease or leases to said corporation—any piece of land within the state, covered by four feet of tide water at mean low tide, as delineated upon the plats in the office of the commissioners of shell fisheries, and not within any harbor line: *Provided*, that in Brightman's pond or Babcock's pond, so-called, in the town of Westerly, said commissioners may agree to lease any piece of land therein, below mean low-water mark, whether the same is covered by four feet of tide water or not, to be used as a private and several oyster fishery for the planting and cultivation of oysters thereon, upon such terms and conditions as they may deem proper, but not for a longer term than ten years or for a shorter term than five years, nor for a rent of less than ten dollars per annum for every acre to be leased where the water is of the depth of less than twelve feet at mean low water, as shown on the plats in the office of the commissioners of shell fisheries, and not agreeing to lease more than one acre at a time in one lot or parcel to one person, firm, or corporation; but in drawing such leases said commissioners may include in the instrument of lease one or more acres of land so leased by them, and all such leases shall be made and executed free of expense to the lessee: *Provided, however*, that any lessee or holder of oyster ground, on the expiration of any lease thereof which is now or which may hereafter be granted, shall upon application to the commissioners of shell fisheries have the preference in the reletting of said ground for a like term to that granted in the original lease, unless said applicant at the time for granting said application shall be in arrear for rent on said original lease of said ground;

and said application for such renewal or further lease shall be granted without notice or advertisement of the pendency thereof: *Provided, however,* that no renewal or further lease of said ground shall be granted when the commissioners of shell fisheries shall for cause cease to lease said ground for oyster culture. And such letting shall not be subject to the provision for letting by public auction; and neither of such commissioners shall at any time be interested in any lease of ground for planting oysters, or in the cultivation or product thereof: *Provided, however,* that in Little Narragansett Bay, and in Pawcatuck river, so-called, the said commissioners may let such land on terms as to time and rentals as may seem to them best."

SEC. 2. This act shall take effect immediately, and all acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 558.

Approved April 22, 1910. AN ACT AUTHORIZING THE COMMISSIONERS OF SHELL FISHERIES TO EMPLOY ADDITIONAL CLERICAL ASSISTANCE AND MAKING AN APPROPRIATION THEREFOR.

It is enacted by the General Assembly as follows:

Allowance for additional assistance in office of shell-fish commissioners.

SECTION 1. The commissioners of shell fisheries are hereby authorized and empowered to employ such additional assistance as they may require in the discharge of the duties of their office, at an annual expense not to exceed six hundred dollars, which said sum of six hundred dollars is hereby annually appropriated for that purpose; and the state auditor is hereby directed to draw his orders on the general treasurer in payment thereof, out of any money in the treasury not otherwise appropriated, upon vouchers approved by the commissioners of shell fisheries.

SEC. 2. This act shall take effect on and after its passage.

CHAPTER 577.

AN ACT IN AMENDMENT OF CHAPTER 206 OF THE GENERAL LAWS, ENTITLED "OF THE PROTECTION OF THE SHELL FISHERIES IN THE PUBLIC WATERS OF THIS STATE." Approved April 29, 1910.

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 206 of the General Laws, entitled "Of the protection of the shell fisheries in the public waters of this state," is hereby amended to read as follows:

"SECTION 1. No person shall deposit in, or allow to escape into, or shall cause or permit to be deposited in, or allowed to escape into, any of the public waters of this state, any substance which shall in any manner injuriously affect the growth or sale of the shell-fish in or under said waters, or which shall in any manner affect the flavor or odor of such shell-fish so as to injuriously affect the sale thereof, or which shall cause any injury to the public and private fisheries of this state.

"SEC. 2. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be fined not less than five hundred dollars or more than two thousand dollars, one-half thereof to the use of the complainant and one-half thereof to the use of the state: *Provided*, that in case of conviction upon prosecution by the commissioners of shell fisheries, the whole of any fine imposed shall go to the use of the state.

"SEC. 3. Every person violating any of the provisions of this chapter shall be liable to pay, to the party injured by such violation, double the amount of damages caused thereby, to be recovered in an action of the case in any court of competent jurisdiction. It shall not be necessary, before bringing suit for the recovery of such damages, for a criminal prosecution to have been first instituted for the violation of the provisions of this chapter, nor shall the recovery of damages under this section be a bar to such criminal prosecution.

Substance injurious to shell-fish not to be deposited in public waters.

Penalty for violation of this chapter.

Party injured by violation of this chapter, may have damages in civil action.

1337

Commissioners
of shell fish-
eries to investi-
gate com-
plaints.

“SEC. 4. It shall be the duty of the commissioners of shell fisheries to investigate all complaints made to them of the violation of any of the provisions of this chapter. For the purpose of such investigation said commissioners may make examination of the premises, hold public hearings, summon witnesses, and take testimony under oath, and they shall have power to punish, by fine or imprisonment or both, all contempt of their authority in any hearing before them. They may employ professional or expert services, as they may deem desirable.

Commissioners
to prosecute
violations,
attorney gen-
eral to conduct
cases.

“SEC. 5. It shall be the duty of the shell-fish commissioners to prosecute any person in their opinion guilty of the violation of any of the provisions of this chapter, and in all such prosecutions said commissioners shall not be required to enter into any recognizance or to give surety for costs. It shall be the duty of the attorney-general to conduct the prosecution of all cases brought by said commissioners under the provisions of this chapter. Complaints may also be brought and prosecuted by any citizen for any violation of its provisions.

Expenses of en-
forcing this
chapter, how
paid.

“SEC. 6. The expenses incurred by the commissioners of shell fisheries in the performance of the duties imposed upon them by this chapter shall be paid by the general treasurer, out of any funds in the treasury not otherwise appropriated, upon the presentation of vouchers therefor duly certified by their chairman.

Commissioners
to inspect
premises used
in shell-fish
business, meth-
ods of pack-
ing, etc.

“SEC. 7. The commissioners of shell fisheries shall inspect the premises designated in section 8 of this chapter, at such times as they may deem advisable, for the purpose of determining whether said premises are kept in a proper sanitary condition for opening, handling, or packing shell-fish for the trade. Also said commissioners shall inspect the methods followed on the premises in opening, packing, or preparing shell-fish for the trade, to determine whether such methods are proper from a sanitary standpoint.

“SEC. 8. The premises which come within the scope of

this act are all establishments where oysters or other shell-fish are opened, packed, or prepared for the trade. Retail or wholesale markets where shell-fish are sold which purchased from the original opening or packing houses designated in this section shall not come within the scope of this chapter.

Certain premises exempt from inspection.

“SEC. 9. Said commissioners shall inspect any or all the leased oyster grounds and other shell-fish grounds within the state, at such times as they may deem advisable, to determine whether said grounds are in a proper sanitary condition for the production of shell-fish for consumption as food.

Commissioners to inspect leased shell-fish grounds as to sanitary condition.

“SEC. 10. Said commissioners may make such regulations in regard to sanitation as they may deem advisable, from time to time, with reference to the sanitary handling of shell-fish and with reference to maintaining opening or packing houses in a proper sanitary condition.

Commissioners may make sanitary regulations for shell-fish business.

“SEC. 11. Said commissioners may issue certificates from time to time to any person whose premises or grounds are found by them to be in a sanitary condition, setting forth that they have examined such opening or packing house or such shell-fish ground and that the methods followed in the preparation of oysters or other shell-fish in such opening or packing house are sanitary and that the grounds inspected are in proper sanitary condition for the production of shell-fish for consumption as food.

Commissioners to issue certificates as to sanitary condition of premises, grounds, or methods.

“SEC. 12. No person shall take shell-fish from any grounds which are not certified by said commissioners as being in a sanitary condition, except for the purpose of transplantation. No person shall prepare shell-fish for the trade except on premises and by methods certified by said commissioners as being sanitary.

Use of premises, grounds, or methods without sanitary certificate prohibited.

“SEC. 13. Any person who shall violate any sanitary regulation made by said commissioners, as provided for in section 10, shall be fined \$20 for the first offence, and for each subsequent offence \$100 and be imprisoned not more than ninety

Penalties for violation of sanitary regulations.

days in jail. Any person violating the provisions of section 12 of this chapter shall be fined \$20 for the first offence, and for each subsequent offence \$100 and be imprisoned not more than ninety days in jail.

Duty of commissioners to prosecute.

“SEC. 14. It shall be the duty of the commissioners of shell fisheries to prosecute any person in their opinion guilty of the violation of any of the provisions of this chapter, and in all such prosecutions said commissioners shall not be required to enter into any recognizance or to give surety for costs. It shall be the duty of the attorney-general to conduct the prosecution of all cases brought by said commissioners under the provisions of this act.”

SEC. 2. This act shall take effect upon its passage, excepting the above sections numbered 12, 13, 14, which sections shall take effect July 1, 1910, and the act numbered “Senate 136, Substitute A,” passed at the January session, A. D. 1910, and approved April 26, A. D. 1910, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

CHAPTER 672.

Passed January session, 1911. AN ACT IN AMENDMENT OF SECTION 13 OF CHAPTER 203 OF THE GENERAL LAWS, ENTITLED “OF PRIVATE AND SEVERAL OYSTER FISHERIES.”

It is enacted by the General Assembly as follows:

SECTION 1. Section 13 of Chapter 203 of the General Laws is hereby amended so as to read as follows :

“Sec. 13. The said commissioners shall not let any land north of a line extended across Providence River bearing S 40°-30' W, true meridian, from the copper bolt set in the rock near the end of Kettle Point, to Field's Point, or let any lands west of a line drawn from Warwick Neck Light bearing S 55°-16'-02'

W, true meridian, to Pojack Point at Potowomut Neck; or let any lands in Sakonnet River south of the railroad bridge; or let any lands in shore of the four-foot line, as delineated on the plats in said commissioners' office, or any land lying between a line running due east and west through the middle point of the Rhode Island Yacht Club building, northerly of Pawtuxet Neck, and a line running due east and west through the center of Pomham beacon, and west of the channel; or let the channel between Long Neck and Marsh Island flats from the channel in the Providence river to the bridge in Pawtuxet; or let any of the ponds in Little Compton, South Kingstown, New Shoreham, Tiverton, Portsmouth or Westerly, or the cove, so-called, in the town of Portsmouth, except Brightman's pond or Babcock's pond, so-called, in said Westerly: *provided, however*, that said commissioners shall not let more than three acres in said Brightman's or Babcock's pond to any one person; *and provided, further*, that every person to whom any of the lands in said Brightman's or Babcock's pond shall be let under the provisions of this chapter shall have had his home and residence in this state for the period of three years next preceding the letting thereof; *and provided, further*, that nothing in this section shall be so construed as to affect any of the lands which have been leased or the re-leasing thereof."

SEC. 2. This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 703.

AN ACT IN AMENDMENT OF AND IN ADDITION TO SECTION 20 *Approved May 12, 1911.*
OF CHAPTER 203 OF THE GENERAL LAWS, ENTITLED "OF
PRIVATE AND SEVERAL OYSTER FISHERIES."

It is enacted by the General Assembly as follows:

SECTION 1. Section 20 of Chapter 203 of the General Laws is hereby amended so as to read as follows:

Land leased, to be platted, etc.

"SEC. 20. Said commissioners shall, before granting any such lease, cause the land to be leased as aforesaid, to be surveyed and platted, and shall in all cases cause such land to be marked with proper bounds, stakes or buoys to define the limits thereof, with such marks thereon as they may direct. Such bounds, stakes or buoys, with the marks thereon, shall be renewed or removed whenever the commissioners shall direct.

"All buoys used in connection with bounding or subdividing shell fish grounds or for any purpose whatsoever in connection with the enjoyment of the rights and privileges granted by the leasing of shell fish grounds, shall be under the supervision and care of the said commissioners.

Commissioners to supervise all buoys and stakes.

"Said commissioners may designate the kind and style of stake or buoy which shall be used for the purposes of marking shell fish grounds and make any suitable regulations in reference to the same: *Provided, however,* that driven stakes shall not be used as bounds or other marks on such shell fish grounds, except on the inside or shoreward boundaries of said grounds, and in no case in more than six feet of water at mean low tide.

"Said commissioners are hereby empowered to investigate all complaints brought to their notice and in their discretion to remove or cause to be removed any stake or buoy located on any leased shell fish ground and used for the purpose of bounding, subdividing or otherwise marking said ground, which in their judgment, is in an improper position or condition or does not conform to any regulation which they may make.

Stakes and buoys to be removed, how and when.

"Also, said commissioners may in their discretion remove or cause to be removed all such stakes or buoys which may be on shell fish ground where the lease of the same has terminated.

"Also, said commissioners may remove or cause to be removed any stake or buoy used for the purpose of marking or bounding shell fish beds which may be improperly located on land not leased.

"In case the commissioners remove or cause to be removed

any stake or buoy from leased ground, the cost of removal shall be collected from the lessee. Such cost shall become a charge against said lessee and subject to collection in the same manner as is the yearly rent under the lease for said ground.

“Any person wilfully violating the requirements, orders or regulations respecting bounds, stakes or buoys as determined by said commissioners shall for the first offence be fined not more than twenty dollars and for each subsequent offense shall be fined not more than one hundred dollars.” Penalty.

SEC. 2. This act shall take effect immediately, and all acts and parts of acts inconsistent herewith are hereby repealed.

